
REMOVAL OF RESTRICTIONS UPON THE SALE OF
SURPLUS ALLOTMENTS, ETC.

Mr. LONG presented the following

**MEMORIAL FROM CITIZENS OF INDIAN TERRITORY, TOGETHER
WITH PETITIONS OF VARIOUS MUNICIPAL AND ECCLESIAS-
TICAL BODIES AND DEPOSITIONS OF LEADING CITIZENS OF THE
TERRITORY, PRAYING FOR THE REMOVAL OF THE RESTRIC-
TIONS UPON THE SALE OF SURPLUS ALLOTMENTS, ETC.**

FEBRUARY 26, 1904.—Referred to the Committee on Indian Affairs and ordered to be
printed.

*Memorial from the citizens of Indian Territory in general convention
assembled, at Okmulgee, January 19, 1904, through their duly author-
ized delegate, A. Grant Evans, together with the petitions of various
municipal and ecclesiastical bodies and depositions of leading citizens,
praying for the removal of the restrictions upon the sale of surplus
allotments, etc.*

*To the honorable the Senate and House of Representatives in Congress
assembled:*

Your memorialist, duly authorized and delegated by a general convention of the people of the Indian Territory, assembled in the city of Okmulgee on the 19th day of January, 1904, respectfully submits the resolutions of said convention for the consideration of Congress, and humbly prays favorable action upon the same. (See Exhibit.)

Your memorialist humbly submits, in support of the prayer of the people of Indian Territory, the petition of 18 towns and cities from their mayors and town councils, petitions from a number of ministers of the gospel from various towns, and depositions of a large number of disinterested and leading citizens, concerning whose integrity no question can be raised, a number of whom are Indians by blood.

Your memorialist further submits a petition from upward of 1,300 citizens of about forty towns and rural districts, praying for the opportunity to establish and maintain schools for themselves.

Your memorialist further submits the action of the Presbyterian Synod of the Indian Territory and Oklahoma, containing its petition for the speedy provision of a common school system, and giving authority to your memorialist to represent it in presenting this matter for your consideration. (See Exhibit.) Your memorialist having been the moderator of the synod for the year preceding its recent

meeting, humbly submits that since 1884 he has been engaged in missionary and educational work in Indian Territory, first among the full-blood Cherokees, and more recently as president of Henry Kendall College, where his work has largely been the training of teachers, and that he has thus had somewhat exceptional opportunities of becoming familiar with conditions in Indian Territory.

Your memorialist would humbly submit that the prayer which he is commissioned to present comes from citizens, both Indian and white, who are men of wide business experience and unquestioned integrity. In the convention held at Okmulgee, January 19, 1904, there were representatives of a large number of towns, prominent Indian citizens and some of the foremost merchants, professional men, and ministers of the gospel in the Indian Territory. It was most emphatically in no sense a gathering of those interested specially in land sales or speculations. The most earnest desire was expressed to do nothing to remove any measure of protection which the Government believes it can grant to the full-blood Indians, and to ask nothing that is not absolutely necessary for the proper development of all classes of people. The petitions from 18 towns duly signed by mayors and town councils are indicative of the character of interest felt in this matter. The fact that a number of ministers of the gospel from various towns have signed similar petitions is significant.

The depositions from citizens are also humbly submitted as giving most valuable evidence bearing upon the matter. Among them will be found statements of Indians by blood, who have held high official positions in their tribal governments. The depositions and statements by former United States Indian agents for the Five Civilized Tribes, Robert L. Owen and D. M. Wisdom, should carry considerable weight. W. T. Hutchings, president of the Muscogee Bar Association, also gives valuable evidence, as does the Rev. J. H. Scott, D. D., president of the Baptist Indian University. In addition to these will be found the depositions of Hon. A. P. McKellop, a Creek Indian by blood, who has held many official positions under his tribal government, and the evidence of other prominent Indian citizens. The effort was made to secure only such evidence as would be valuable from the character and standing of the men giving it, and to exclude the testimony of those interested financially in the sale of Indian lands. In order to give the fullest value to these depositions the Secretary of the Interior was cordially invited to appoint some one to represent him at the taking of depositions, to ask questions and call for additional testimony if he so desired. This invitation was not accepted.

The unanimity of the Indian Territory press in this matter is significant. The accompanying extracts from editorials in papers published in different parts of the Indian Territory show how completely they are in accord in condemning the present system. It is hardly conceivable that if it were really benefiting any class of citizens no one could be found saying a word in its defense. (Exhibit C.)

Under the present plan relating to sales and leases, the development of Indian Territory is grievously retarded. The present method, taking the Creek Nation for example, is as follows:

When an allottee desires to sell his land he submits to the United States agent at Muscogee a description of the land, stating that he is desirous of offering it for sale. Only 25 citizens a week are allowed to

have this privilege. (See Exhibit.) The rolls are then examined by the clerk of the Indian agent's office, and if the party making the application is found to be duly enrolled and the description of the land is correctly set forth it is listed on a public board in the halls of the Indian agent's office under a certain date. It is then advertised in an official list at the end of the week in the Muscogee Phoenix, with the advice that bids upon such tracts of land will be received and opened at the end of sixty days. An appraiser is then sent out from the Indian agent's office who goes and reexamines the land heretofore appraised at the expense of the Government, and a special report is made by the appraiser.

Since the 25 tracts are scattered over about 125 townships, each township containing 36 square miles, it is evidently a serious task for the appraiser to perform his duty. At the end of sixty days the bids are opened at the office of the Indian agent in the presence of the bidders. Each bidder must have deposited at the time of making the bid a certified check payable to the Commissioner of Indian Affairs for 20 per cent of the amount of his bid, which he forfeits to the allottee if he refuses to make good his bid. The allottee, however, may reject the bid of any and all bidders. Very many of these bids are not acted upon because there is no appraisement; some are rejected because the bids are below the appraisal. If everything is, however, perfectly regular the allottee is advised of the highest bid, and if the highest bid is acceptable to the allottee in due course of time a formal deed is executed by such allottee and transmitted with a report of the Indian agent to the Commissioner of Indian Affairs, who in due turn examines the matter and passes upon it and makes the various records in his department of the details contained in this communication, and the matter then passes through the files of the Commissioner of Indian Affairs to the Secretary of the Interior, where it undergoes like examination, and finally receives the approval of the Secretary of the Interior, whereupon the deed is returned to the United States Indian agent, who receives from the bidder in due course of time the payment of the remainder of the money. The money is collected by the United States Indian agent and turned over to the allottee and the deed delivered to the purchaser. These rules and regulations are intricate and must be observed with great precision, otherwise the transaction can not be completed. The rules and regulations relating to the sale and lease of Creek lands makes a printed book of over 40 pages.

It is obviously impossible for an ordinary farmer desiring to buy a piece of land to wait the five or six months necessary for the completion of a transaction of this character, with the various elements of doubt it involves, or to attempt to comply with the intricate regulations.

The consequence is that practically all sales which are made are made to speculators, the identical thing which the Government desired to obviate. The small home seekers have thus been denied the opportunity of acquiring land in Indian Territory except by subsequent purchase through the speculator. The failure of the present method became so manifest to the people of Indian Territory that they decided to appeal to Congress in the only way open to them, because, although with upwards of 650,000 people entirely dependent upon the Federal Government in all its executive and legislative affairs (in the

present session of Congress alone about 100 bills bearing on Indian Territory affairs have been introduced), they have no representative who can speak for them officially before Congress.

The Indian citizens, in a very large number of cases, feel that the restrictions are a humiliating reflection upon their intelligence and rob them of what they regard as substantial benefits. One citizen recently stated that he had been very anxious to sell his land to his renter, whom he had known for ten years and who was anxious to buy. The allottee wished to make the sale with provision for payments covering a number of years. In this way he felt he could get the best price and receive the payments in such a way as to help him most practically in the development of his homestead. The tenant, however, was not willing to put in a sealed bid, under the restrictions. He felt that it would be useless, as he could not be ready to settle for the land in one cash payment. This is an experience not at all uncommon throughout the Creek Nation.

The greatest hardship in the present system is:

1. That it prevents the lands of Indian Territory passing into the hands of those who are willing to actually cultivate the soil with their own hands, and thus deprives the Indian of the most desirable class of neighbors.

2. That it serves the interest of speculators, and not home seekers.

That agricultural leases being upon an unstable foundation, it prevents the development of lands for agricultural purposes, and so is making it impossible for Indians to make an income from their land; for example, the allotment of adults, lying in the most fertile parts of the country, to wit, the river bottoms, are heavily timbered. No man will improve this land on a five-year lease, and no man will comply with the exceedingly intricate rules and regulations of the Interior Department as a precedent to permission to labor in those dense woodland bottoms. This means no cultivation of the most productive part of Indian Territory. About three-fifths of all the land belongs to minors. Not only are the conditions as to woodlands allotted to minors the same as above stated, but even a five-year lease can not be made with a minor for agricultural purposes excepting under intricate probate conditions, which happen to be impossible of performance in Indian Territory.

In the Indian Territory there are 50,000 minor allottees. In the western judicial district, for example, there are possibly 14,000 minor allottees. The judge for this district has on his docket 2,200 cases, civil and criminal, which are being added to more rapidly than he can hear them. Two active judges in this district could not discharge the present duties imposed on the judge of that district. A farmer who desires to rent a piece of land must go to a parent of a minor and ask the parent to comply with the law, have himself appointed as legal guardian, and give the necessary bond, which can usually only be done with a bonding and trust company, and then submit to the probate commissioner a form of lease, and after the probate commissioner shall have passed upon it, secure a favorable action of the United States court before he begins work. This farmer will probably be expected to advance all costs in this proceeding, when he can go elsewhere and get land to rent without cost and without these probate proceedings. It all means, simply, that the land of an allottee (minor) is not and will not be developed under this system.

The judge can not, as a physical fact, pass upon these matters. In 50,000 cases your memorialist will venture to say that the courts of Indian Territory have not as a fact passed upon one case in a thousand. They have held that the lease of a parent for a minor without conformity with probate proceedings, as above described, is void (decision herewith, exhibits) and the consequence is that no person of ordinary business sagacity will touch the land of a minor. This is not only injurious to the minor, it not only deprives him of a present and prospective income, but it renders impossible the creation of taxes or taxable wealth upon which the maintenance of schools, the building of roads and bridges, and the maintenance of other conditions of civilized life must necessarily depend.

While undoubtedly the restrictions are imposed with the very laudable purpose of protecting the full-blood Indians, by giving them the chance to get the highest prices for their surplus allotments, not only do the Indians seem unwilling to accept the opportunity, but they are placed in a position where it is made most easy for them to sacrifice all their surplus land. The restrictions are for a limited time. By treaty or agreement they only operate for about three years longer. Nothing could be easier for their half-breed or practically white Indian neighbors, who know them and their land, than to encourage them to trade on credit or borrow enough to carry them the few years remaining until they are able to dispose of their allotments as they please. This is the line of least resistance for the Indians, and there is no doubt that just as soon as restrictions are removed a number of them will let their lands go to pay their debts. It is a marked peculiarity of the full-blood Indian character that it needs no legal mortgage or other security to hold him to any bargain he has made. Thus the very provision for the protection of the non-English-speaking Indians is instrumental in making their loss of land most easy, and the way is being paved for having a considerable number of these people left practically landless, except as to the homestead, just as soon as the period of alienation arrives.

However this may be, it is certain that about 98 per cent of the sales so far made have been for allottees not of Indian blood and only 2 per cent of such sales have been made for Indians by blood.

More far reaching even than this, however, is the fact that the protracted withholding of lands from such ownership as will make them taxable is going to be the most serious obstacle in the way of developing any adequate school system for the rural districts.

The present condition is so appalling that it is hard for those unacquainted with actual conditions in the Indian Territory to conceive it possible that in the very heart of this great Republic Congress has made it possible for an immense population of American citizens to be lawfully gathered together, and has at the same time made it impossible for them to provide any system of public schools for the thousands of their children born under the American flag. The most conservative estimate places the number of children in the Indian Territory for whom absolutely no school provision is made at over 160,000.

Surely the neglect to change the conditions which make it practically impossible to provide school facilities for this vast army of young people, who will soon be citizens and voters of whatever government may have jurisdiction in the Indian Territory, is an unspeakable crime against an unborn commonwealth. No only so, but the

influence of this army of illiterates, together with the influx of such shiftless and ignorant settlers as alone are willing to make their homes in districts where there is no possibility of securing school facilities, is the most demoralizing and destructive thing for our full-blood Indian fellow-citizens. It is in neighborhoods where the largest number of such Indians live that the difficulty of getting schools will be most serious, and where consequently there will be the most shiftless, ignorant, and degraded non-Indian settlers. But even this is not the worst. Under the agreements by which the extinction of the tribal governments is arranged for, all tribal institutions must be brought to an end by March 4, 1906. This involves the wiping out of the existing systems of Indian schools, orphanages, etc. Unless some change is made in present arrangements, the Indian schools will go out of existence before any possible Territorial or State school system, according to any reasonable expectations, can be put in operation.

If this is allowed and the Indians, as citizens of the new State or Territory, come with the record of having dissipated their tribal school funds, and also with the legal right to hold not only their homesteads, but also unsold surplus allotments exempt from taxation, their position will be a most unfortunate one. They will appear to be at the same time asking the free education of their children in the common schools and making the burden of the support of such schools press the more heavily upon their neighbors who do pay taxes.

The overwhelming majority of the citizens of the Five Civilized Tribes is without the least question absolutely as ready as the bulk of their white fellow-citizens to assume all the duties and responsibilities as well as the privileges of self-government. No greater wrong could be done them than to deny them the right so to stand as intelligent, independent citizens.

Indian Territory appeals to Congress as its sole legislative authority to provide for the continuance of the Indian schools and for the establishment of a proper school system for Indian Territory. Any such school system must properly be supported by taxation of the people. Taxation must depend upon the productive power of the country itself. The restrictions now imposed upon the sale and lease of lands in Indian Territory prevent the development of the productive power of this country. For that great reason and for the reason that the present method is based upon serious misconceptions of fact, Indian Territory prays to Congress for the removal of the restrictions affecting the sale and leasing of lands where allottees are known to be or shown to be perfectly competent to manage their own affairs.

Those whom your memorialist has the honor to represent do not ask that the restrictions be removed in the case of the non-English speaking Indians, though many of them feel that it would be in the best interests of these people to have it done, and to have such of them as are really incompetent placed under normal guardianship of the courts, because they are incompetent, and not merely because they are Indians.

Your memorialists are not asking that unconditional title in fee shall be given to all allotted lands, however strongly some of them feel that intelligent and competent Indians should be regarded as having a right to these privileges and however evident it may be that eventually this land must be held by such a title as will make it taxable.

They are merely asking that the 25 per cent or more who have no

drop of Indian blood shall receive their share of this vast estate unrestricted as to the method or time of selling their surplus allotments; that this same privilege be extended to such Indians as only have a small amount of Indian blood, and are practically in no essential respect different from other American citizens, and also of such as, being Indians by blood, are able to show that by the acquisition of the English language and progress in other respects that they have the right to demand the same treatment accorded other responsible and competent American citizens.

One who has probably done more than any living man for the education and uplifting of the Indians, said recently, "In all the catalogue of wrongs constituting what has been called a century of dishonor, the greatest is this, that we have denied to the Indian the privilege of manhood, and insisted on keeping him a child and an incompetent."

There is absolutely no shadow of justification for treating in this way the bulk of the population of the Five Tribes, which for two-thirds of a century and upward have carried on constitutional governments and earned a right to the title of "civilized," by which they are officially known. In behalf of the common American citizenship of the Indian Territory, which it is most earnestly hoped will know no distinction between Indian and white man, the plea is made that the present restrictions which make irritating distinctions, which block the way of progress and which mark the Indian entering our common citizenship as something less than the equal of his fellow-citizens, be removed with as little delay as possible.

Your memorialist submits various exhibits, showing the opinion of the people of Indian Territory upon this subject, the reasons of the faith that is in them, the justice of their desires, and respectfully prays that legislation may be enacted by Congress for their relief upon the lines indicated.

A. GRANT EVANS.

Synod of the Presbyterian Church.

At the regular annual meeting held on October 24, 1903, of the synod of Indian Territory (comprising all churches and ministers of the Presbyterian Church of the United States in Indian Territory and Oklahoma), the following resolutions were unanimously adopted:

Whereas there is at present absolutely no legal way by which the overwhelming majority of the residents of the Indian Territory can organize and carry on a system of public schools, and in consequence of this upward of 100,000 children are absolutely without school privileges and are growing up in illiteracy; and whereas the agreements under which the several tribal governments are being extinguished provide for the allotment of all funds and property of the several tribes, including the school funds, so that before the tribal estates can be settled up the Indian tribal school systems must come to an end, thus making the present deplorable condition of this country very much worse: Therefore the synod of Indian Territory does most earnestly petition the Senate and the House of Representatives of the United States of America in Congress assembled to take immediate steps to prevent the abandonment of the Indian tribal school systems until such

time as some other system is ready to take their place, and also to make some temporary provision for a common school system for the residents of the Indian Territory, who have not the legal authority to do so for themselves, until such time as this authority can be given them. It is further

Resolved, That the Rev. A. Grant Evans, president of Henry Kendall College, of Muscogee, Ind. T., is hereby appointed and authorized to represent the synod in presenting this matter to Congress.

WILL C. MILES, *Moderator*.

LLOYD C. WALTER, *Stated Clerk*.

Resolutions of the people of Indian Territory in general convention assembled at Okmulgee, Ind. T., on January 19, 1904, adopted by a unanimous vote.

Whereas the Indian Territory now contains a population of over one-half million, of whom less than 85,000 are Indian citizens; and

Whereas of these Indian citizens about 20,000 are negroes who have had greater advantages than any other body of negroes, so it is ridiculous to treat them as wards of the Government; and

Whereas among the Indian citizens there are also many white men who are wealthy and educated men, and also many children of such marriages who have only a small percentage of Indian blood; and

Whereas all these Indian citizens have had a constitutional government and public school system for generations, and, with the exception of a small number of full bloods who have failed to learn the English language, are absolutely as competent to care for themselves as the average citizenship of any State; and

Whereas the vast expense of treating as wards of the Government 85,000 citizens for the sake of protecting a possible 10,000 full bloods absolutely fails in its object as much as it does not serve the real interest of this small helpless class, but has reduced them to a condition of worse poverty than they had suffered in all their history; and

Whereas the restriction upon the sale and leasing of land can not fail to make very much more difficult the already serious problems involved in developing this Territory a self-governing Commonwealth and must also maintain a distinction between the newly made citizens of Indian blood and their fellow-citizen which must react disastrously on the Indian people: Therefore be it

Resolved—First. That this convention urges upon the various municipal organizations of the towns and cities of the Indian Territory the taking of evidence bearing upon the matter and the adoption of some such petition as the following (see Exhibit A).

Second. That the following resolution be sent to the ministers of the gospel in the Territory for their consideration and signature.

Third. That a delegate be elected by this convention to present the evidence and petition bearing upon this matter to Congress and work in its behalf.

Fourth. That the work of securing a full expression of the views of the people of the Indian Territory and the pertinent evidence be placed in the hands of the executive committee.

Fifth. That this convention set forth its reasons for asking for the removal of restrictions the following:

1. Because the allottees, excepting a very small class of non-English speaking fullbloods, are exactly like other United States citizens in appearance, clothing, manner, language, intelligence, education, and habits, and are as competent in business affairs.

2. Because the theory of protecting the incompetent's estate by selling his land and handing the incompetent the money is itself utterly absurd, because destroying the independence and power of initiative of the allottee would reduce him to the status of a reservation Indian, would degrade him and impair his development.

3. Because under present rules the competition of bidders, except speculators, is destroyed and the great body of allottees are denied the advantage which free immigration would afford by increased competition.

4. Because 25 pieces a week, the present official limit of offering, would take sixty-five years to get one chance of sale to 85,000 allottees. Because on the basis of half the offerings resulting in sale (a high estimate as demonstrated by results to date) it would take one hundred and twenty years to give each allottee his statutory right of sale. In the five years only 3,250 citizens could exercise the right granted by Congress, and 81,750 citizens would have been denied their statutory right.

5. Because the act of Congress providing sales has been nullified by its administration, which has prevented sales instead of allowing them, seven sales having been made up to December 15, 1903, in two years and nine months from the date of the act authorizing sales of February, 1901.

6. Because the sales made already demonstrate that the bankers and speculators are getting all the land sold.

7. Because putting up the bars against actual settlers who would be the most important and the most numerous class of bidders, diminishes the average price of the whole of these lands.

8. Because the selling price of a few very choice pieces, on which the entire speculative bidding is concentrated, forms a mischievous and misleading example, whose only value is that such artificial high price may be offered as an illustration of the excellence of a notoriously bad system. As well prove the value of bread by offering at auction 25 loaves of bread to the speculative agents of 500,000 hungry men. In many cases, however, the prices are lower under the present method than under the previous rules.

9. Because speculators buying these lands will not improve them, and thus the development of the country will be retarded.

10. Because the actual settler, if permitted to buy, would improve the land, would build roads, bridges, schoolhouses, and make a good neighbor and a good example of thrift and industry to the allottee, to the great increase in value of land remaining in the hands of the allottee and his family. Because the adult allottees own only a fourth of the land and can only sell a part of this fraction, so that in no event can a large part change hands except as minors become adult. It should be remembered that many adults will not sell an acre of their land.

11. Because the allottee ought to be allowed to choose his neighbor by dealing direct with actual settlers, and not be compelled to submit to any kind of transient tenant neighbor the speculator landlord might impose on him. The migratory tenant, who is indifferent about a permanent home, is a bad class and injures any country.

12. Because the actual settler should not be made a victim of the speculator and compelled to pay tribute to a man whose sole service is putting up ready money and complying with the very intricate rules governing these sales.

13. Because the present method is causing ruinous foreclosure of mortgages on work horses and cattle and chattels of allottees, who went in debt in the belief that a sale of a portion of their land would give them ready money.

14. Because the land under the present method is kept unproductive, and until made productive, and thus taxable, no government with the modern necessities of schools and roads is practicable.

15. Because the present method is a fatal obstacle to the development of Indian Territory and the Southwest. It is an astonishing thing that the interest of the 600,000 whites, whose industry, intelligence, and high character must create, in large degree, the great values in Indian Territory, is never even considered in contemplating this subject.

16. Because the present method engorges business in the Indian agent's office and in the Interior Department and thus prevents the transaction of other business of great importance.

17. Because the present method will prevent the completion, within any reasonable time, of the work of allotting the lands, completing the town schedules, the sales of surplus land, coal fields, and the very numerous other details of closing the vast estate of Indian Territory.

18. Because the present method has made, and will continue to make, a huge charge on the Treasury of the United States to support a system injurious alike to the allottee, to the settler, and to every interest in the Southwest.

19. Because the administration by a corps of clerks in the Interior Department at Washington, D. C., at a distance of 1,500 miles, of the private business of 85,000 people, is un-American and absolutely senseless. Because their power to review, reverse, embarrass, and dominate the Indian agent, the inspector, and the Dawes Commission, who are on the ground and know conditions better, has led to great delay and very great expense to the United States Treasury without any adequate compensation to justify the interference.

20. Because the Secretary of the Interior, being in charge of the huge business of the Pension Bureau; of the General Land Office, with its intricate questions arising in all the Western States; of the Patent Office, with its hundreds of thousands of patents; of the Indian Office, with its great number of wild tribes and endless detail, and of many other subjects of allied interest, can not have personal knowledge or even read all the letters, orders, and opinions he daily signs in vast numbers. Because he can not know and does not know and never will know the true and constantly changing conditions of Indian Territory. Because the present system means and must necessarily mean that the people of Indian Territory are absolutely subject to the domination of the corps of employees of the Indian Territory division of the Interior Department. These men, frequently misled by false reports, find instances of egregious fraud a basis of estimating the integrity and intelligence of the citizenship of Indian Territory and have done us infinite harm.

21. Because the tremendous appropriations necessary to maintain the present system serve no good use except to provide salaries for

these employees, whose tenure of office will end when this unjust, injurious, and vexatious system is ended. Their advocacy of the wisdom of the present method, which provides their living, is the only feature of the system that has a sensible foundation.

22. It is the sincere conviction of this convention that the best thing which can be done for even our most helpless Indian fellow-citizens is to place their protection with the courts, which normally protect the interests of the helpless and incompetent, and in all respects to place them as rapidly as possible in the position of ordinary citizens, so that instead of being American Indians, these people, who surely have the fullest right to the title, may become in name and in fact American citizens.

Creek land sales to December 15, 1903.

First lands listed and advertised for sale July 27, 1903.

First bids opened by Indian agent September 25, 1903.

Total number of pieces listed for sale	568
Total number of pieces offered by Indian agent	299
Pieces offered which were not appraised	64
Pieces bid on	203
Pieces on which there were no bids (list Nos. 29, 32, 56, 59, 93, 107, 112, 113, 115, 121, 148, 149, 151, 156, 160, 161, 167, 168, 172, 188, 189, 191, 200, 206, 224, 252, 263, 264, 267, 273, 287, 297)	32
Pieces on which all bids were rejected by Indian agent, all bids being below appraisement (list Nos. 4, 8, 9, 11, 12, 17, 20, 23, 24, 28, 30, 41, 57, 58, 60, 77, 82, 84, 85, 91, 94, 95, 109, 111, 117, 120, 122, 124, 125, 131, 135, 136, 177, 190, 192, 229, 232, 234, 243, 282, 284)	41
Pieces submitted to Interior Department (list Nos. 22, 46)	2
Pieces on which bids were rejected by Indian agent because certified checks were too small, or other technical reasons (list Nos. 26, 27, 179, 180)	4
Total number of acres offered for sale by Indian agent (not including pieces not appraised)	20, 109. 31
Total amount of highest bids on the pieces comprising the above acreage	\$246, 972. 75
Average high bid per acre	\$12. 27
Pieces of land sold by Indian agent	150
Sales rejected by allottee (about)	12
Total number acres sold by Indian agent (including sales rejected by allottees)	14, 731. 91
Total amount of highest bids on above land	\$216, 139. 75
Average price per acre of land sold by agent	\$14. 66
Number of deeds forwarded to Interior Department (about)	55
Number of deeds returned by Department approved	7
Number of persons bidding on not more than two pieces of land	152
Number of persons bidding on three or more pieces of land, to wit: H. J. Stebbins, 7; A. E. Van DeVere, 3; W. C. Frank, 21; G. M. Swanson, 26; J. C. Doneghy, 52; Indianola Contracting Company, 13; W. E. Rowsey, 6; F. W. Stout, 32; R. J. Dixon, 4; J. C. Eddy, 35; J. B. Coleman, 4; J. S. Hopping, 23; S. Howlett, 4; B. C. Lancaster, 7; A. H. Livingston, 13; Howard McCummins, 8; Ed Sweeney, 6; H. F. Jones, 4; W. E. Waskey, 3; D. S. Waskey, 24; E. D. Mitchell, 9; Perry McKay, 9; E. McKay, 9; W. W. Whitten, 5; H. C. Holtcamp, 3; C. W. Allred, 3; D. H. Middleton, 3; E. M. Lowe, 7; J. A. Gafford, 7; William Bruce, 3; W. C. McAdoo, 9; Robert Park, 4; U. R. Cost, 16; G. Thompson, 6; I. N. Singleton, 3; Robert Reid, 3; A. S. Spence, 3; W. F. Sankle, 19; L. O. Maxwell, 4; Verson & Sessions, 6; W. H. Dill, 4; Carrie Jennings, 3; Guy Bowman, 4; W. H. Marshall, 3; J. E. Bahnson, 7; H. P. Nelson, 6; George McLogan, 3; N. B. Sharpless, 5; W. F. Sample, 3; D. S. Warren, 3; C. O. Russell, 3; G. M. Babcock, 3; Frank Walker, 3; H. F. Draper, 5; C. S. Reynolds, 3	55

[Muscogee Chamber of Commerce, special committee on removal of restrictions upon sale and lease of lands, Muscogee, Ind. T.]

Hon. E. A. HITCHCOCK,

Secretary of the Interior, Washington, D. C.

DEAR SIR: The undersigned having been appointed by the chamber of commerce of the city of Muscogee, Ind. T., to act in conjunction with representative citizens of all the other towns and localities in the Indian Territory, to the end that we may secure the passage of such laws by Congress and the promulgation of such rules by you as will result in the removal of the restrictions upon the sale or lease of lands by allottees in this Territory (other than the homestead), and for the general welfare and advancement of all the citizens of the Territory.

Acting under the above authority of our fellow citizens, believing that yourself and the Congress of the United States desire to administer the affairs of this Territory and govern it solely with a view to the best interests of the Territory and all its citizens, we, as such committee, desire to prepare and submit the proofs of existing conditions, and to submit, for the consideration of yourself and of Congress, such suggestions as the citizens believe would benefit the people of this Territory of all classes, and best prepare the people and the lands of this country for the maintenance of the necessary expense of self-government as contemplated by Congress in the legislation of the last ten years.

The plan approved for obtaining this information will be by taking the deposition, under oath, of various persons in all the localities of the Territory, using care to obtain the testimony only of persons of good standing, of unquestioned veracity, and whose surroundings have been such as to qualify them to testify intelligently.

The taking of this testimony will begin at the rooms of the chamber of commerce, in the city of Muscogee, at 10 o'clock a. m., on the 7th day of January, 1904, and will invite like testimony from other places until we are satisfied that a thorough hearing has been had, to the end that by unquestioned evidence the true conditions and needs of the Territory are truthfully set forth. This taking of testimony will be public and impartial.

We respectfully ask that you designate a representative to attend these sessions, question any of the witnesses as he may desire, introduce any other witnesses of his own selection, subject to his examination and ours, to the end that he and ourselves may, by joint effort, elicit the most thorough and correct information.

We pledge to you our best efforts to present the most reliable testimony obtainable, to the end, only, that the truth may be known.

C. N. HASKELL, *Chairman.*

ROBERT L. OWEN.

C. C. AYERS.

A. P. McKELLOP.

H. G. BAKER, *Secretary.*

P. B. HOPKINS,

*President of Chamber of Commerce
and ex Officio Member of Committee.*

Deposition of Col. D. M. Wisdom.

Col. D. M. WISDOM, having been first duly sworn, testified as follows:

Q. Will you please state your name, age, place of residence, and occupation?—A. My name is D. M. Wisdom; age, 68 years; residence, Muscogee; occupation, lawyer.

Q. How long have you resided in the Indian Territory?—A. About twenty years.

Q. Where did you reside prior to coming to the Indian Territory?—A. Tennessee; I was raised in Tennessee; I lived three years in Arkansas.

Q. What official position have you had during the last twenty years in the Indian Territory?—A. I have been chief clerk at the United States Union Agency four years; I have been agent there six years, making about ten and a half years' service in the Indian Department.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. I am not.

Q. Are you a stockholder in and in any other manner interested in any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. I am not.

Q. Are you a member of either of the Five Civilized Tribes by blood or adoption, or do you hold any official position in the tribal government?—A. I am not a member and do not hold any official position.

Q. Have you the means of knowing, and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes?—A. Yes, sir; I have, of course, as Indian agent, had considerable business with the Indians for the last ten years.

Q. Also as attorney at law?—A. Yes, sir.

Q. In short, during your entire residence in the Indian Territory, have you not been in almost daily business and social communication with the members of the Five Civilized Tribes?—A. Yes, sir; I have lived right here at Muscogee in communication with them all the time for twenty years.

Q. What is your opinion as to their ability to sell or lease their lands and to carry on their own business affairs successfully?—A. I think about 80 per cent are well qualified to carry on their own business and transact their own affairs.

Q. You may state what is the fact at present and during recent years as to the growth of population in the Indian Territory.—A. The population has been increasing very rapidly for the last few years and is still increasing.

Q. Would it be a safe estimate that the Indian Territory population has increased at least 50 per cent in the last three years?—A. Yes, sir; I think it would.

Q. You may state what is your opinion regarding the success or failure of the rules of the Interior Department now in force regulating the sale and leasing of lands in the Indian Territory.—A. I think the enforcement of the rules of the Interior Department has proven to be a failure, or, at least, the sales under those rules have not been satisfactory.

Q. Will you state, from your observation, whether or not the rules in force for the sale and lease of lands have resulted in causing the

lands to be sold or leased to and occupied by the actual owners or by a tenant class?—A. It has resulted first in the purchase of the lands by speculators and traders, and they have in turn leased them to a tenant class who are migratory and a thriftless people.

Q. Has this method, then, furnished the Indian farmer with a desirable neighbor, who would take the lead or aid in the building of country schoolhouses, churches, home improvements, and otherwise develop and improve his neighborhood?—A. It has furnished him with very undesirable neighbors, and filled up the country with a class of people who take no interest in schools or any progress or general improvement of the country.

Q. In your judgment, if the restrictions be removed so that the allottee could sell his land at will, would it change the character of citizenship in the farming district, enabling the allottee to get as good a price for his land and at the same time get a more desirable neighbor and thereby better improve the country districts with schools, home improvements, etc.?—A. Yes, sir; I believe it would. I think if the restrictions were removed it would draw the very best element of the surrounding States into the Territory, who would come here with money; who would buy farms and improve them; build schoolhouses and educate their children, and, in short, make this one of the most desirable countries in the world to live in.

Q. Colonel, do you believe that the peopling of the farming districts by such people as you have in mind in your last answer would elevate and improve the allottee and his family through a better example of home people and educational facilities?—A. It certainly would improve the allottee. It would elevate his social standing, improve his moral tone, and by contact and emulation would bring about a better citizenship throughout the Territory.

Q. In your judgment, what would be the effect upon the value of the Indian's homestead retained by him?—A. It would give it a resultant benefit that would enhance its value materially beyond question.

Q. Speaking of the incompetents among the Indian allottees, whether incompetent from tender years or otherwise, do you consider the present method of administering their estates as being practical, or even meeting the absolute necessity of the individual allottee?—A. I think the present state of administering the law in probate matters is wholly inadequate to meet the necessity of the case or the necessities that now surround the Indian Territory.

Q. Do you believe it possible to administer the affairs of minors and other incompetents by a single officer over a greater district than is possible for such officer to obtain a personal knowledge of his wards, their necessities, and their best interests, and the best interests of their estates?—A. I think the principal officer should be restricted in his field of operation and administration, and that he now has too much territory, and it is impossible to give it that attention which each individual case would require; because I have had some experience in the chancery court in Tennessee, and the larger part of my business was the supervising and looking after the administration of estates, which require accuracy, judgment, and integrity, and also requires a personal knowledge of the wards and their administrators when they come before the chancellor. It is difficult to wind up an estate without loss to the ward, unless a very careful supervision on the part of the master is had.

Q. Do the trial courts at the present existing in the Indian Territory have time to devote to the public business, or are they already overburdened with regular trial court business?—A. They are already overburdened with the regular trial business, and it would be impossible for the judge to give much attention to the winding up of estates, or to looking after the administrators, executors, etc.

Q. Is it not a fact that our trial courts are required to work every day in the year to keep up with the court business, other than public?—A. Yes, sir.

Q. What would you suggest, using your own language, as being the best measure to be adopted to provide for this care of the states of incompetents?—A. I may say that I have not given that matter much thought, as to what provisions should be made to take care of incompetents. But I think the present system is a failure. I think there ought to be a probate commissioner for what might, in area, constitute a county in the States. There should be some person empowered with probate jurisdiction.

Q. Do you believe that the restrictions upon the sale and lease of lands by the Indian allottees in this Territory, other than their homestead, should be removed?—A. Yes, sir; I think it ought to be removed; the sooner the better.

Q. Do you believe it is practicable, considering the welfare of the members of the Five Civilized Tribes, to protect such as are incompetent from tender years or otherwise through the medium of probate courts, as it was in Tennessee, where you had several years' experience in those affairs?—A. I think it could be made as practicable here as anywhere. There is no reason why it should not be made practicable here as in Tennessee; the average man is about the same the world over.

Q. Has the methods of peopling the farming districts of the Indian Territory—say, in the last three years—resulted, to your knowledge, in the creation of country school districts, or educational facilities in the country, or home improvements, as roads, bridges, country churches, etc.?—A. No, sir; it has not.

D. M. WISDOM.

Subscribed to and sworn to before me this —— day of January, 1904.

[SEAL.]

E. R. JONES, *Notary Public*.

(My commission expires, December 19, 1907.)

Deposition of W. T. Hutchings.

W. T. HUTCHINGS, being by me first duly sworn upon his oath states as follows:

Q. State your name, age, place of residence, and occupation.—A. William T. Hutchings, 45 years old, reside in Muscogee, Ind. T.; my occupation, a lawyer.

Q. What official position, if any, do you hold with the bar association of Muscogee?—A. I am chairman of the bar association.

Q. How long have you resided in the Indian Territory, Mr. Hutchings?—A. Fourteen years.

Q. During all of that time you were engaged in the practice of law?—A. Yes, sir.

Q. Are you engaged in any manner in the purchasing or leasing of lands in the Indian Territory?—A. No way whatever.

Q. Then you are not a stockholder or interested in any firm, association, or corporation engaged in the purchasing or leasing lands in the Indian Territory?—A. None that I know of, unless the Indianola Contracting Company has bought some pieces.

Q. You are attorney for them?—A. Yes, sir. I have \$2,400 worth of stock in that company.

Q. But, to your knowledge, you do not know whether they have bought any or not?—A. I think not—not unless it was one piece.

Q. Are you a member of either of the Five Civilized Tribes by blood or adoption?—A. I am not.

Q. Have you the means of knowing, and are you familiar with the business ability and capacity to attend to their own affairs of the members of the Five Civilized Tribes; and what do you say as to their ability to sell and lease their lands and carry on their business affairs successfully?—A. I think I am probably as well acquainted with them as anybody in the Territory. I have always done almost exclusively a civil practice as a lawyer, and in civil matters I presume I have as large a clientele of Indian citizens as any lawyer who has a practice in the Indian Territory. I have also been for many years attorney, in one way or another, for the Cherokee Nation, which has brought me in contact more particularly with the citizens of that nation, and I think I can safely say that, with the exception of a small per centum of the full-blood Indians who reside in the remote rural districts, that the citizens of the Five Civilized Tribes, and particularly of the Creek and Cherokee nations, with which I am best acquainted, are equally as capable of looking after their own affairs as the average citizens of the States. They seem to be as solicitous about their rights, and their contracts, as a rule, are quite as intelligently made and intelligently performed.

Q. Mr. Hutchings, in your relations with the Indian citizens as a lawyer and neighbor, what would you say as to the sentiment among the Indian citizens regarding their ability to transact their own business without governmental interference?—A. I have talked during the past year with a great many Indian citizens, and most all of them resent the idea of governmental interference in the transaction of their business and in the handling of their lands and their property, and I believe that the sentiment is universal; that they desire to have the restrictions upon the alienation and leasing of their lands removed, the only exception being that it is believed by many that for the sake of the class to which I referred above, that the homestead should be secured by law to them.

Q. Mr. Hutchings, as a lawyer, what is your opinion as to the best method of caring for the incompetent allottees?—A. Owing to the congestive condition of the dockets of this country and the enormous volume of business at present being so great, I think that the conferring of any further jurisdiction without enlarging the judiciary would not be beneficial to the community nor fair to such classes of allottees as would have their business placed in the hands of such tribunal. With increased facilities for handling the probate business it is probable that such a thing could be done by the probate court satisfactorily to all parties concerned.

Q. Mr. Hutchings, what is your opinion regarding the success or

failure of the rule of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. From my own point of view it is not a success, and will prove less of a success as it goes further on, because the only persons who can successfully bid on the land or who would like to under the present rules, must necessarily be speculators or middle men. It conduces to the enlargement of the tenant class in the country without enabling the practical farmer to come from the adjoining States to secure suitable farms for occupancy and development by themselves. The conditions have been such in the past that the tenant class of the farmers has not been up to the average to what it was even in the States, and the present system, in my judgment, is merely perpetuating that same condition of affairs. The farmer who comes here to settle has generally got no more than enough money to buy one farm, and generally would like to buy it at such a time of the year that he could use it for his own benefit for the following crop year. Under the practical operation of the system here he might probably have to bid on a large number of places before he ever succeeded in purchasing one that would suit him, and having only money enough to pay for one place he could not possibly obligate himself for but one place at a time and bid on but one place at a time, so that with the best of good faith and industry in his endeavor to secure a place it would take the average man who only had money to buy one place doubtless a year before he could ever get settled, and very few people could afford to give up their homes and stay here for a whole year in the fruitless endeavor to get one place.

Q. Mr. Hutchings, what effect, in your judgment, would the tenant class, which we have enumerated above, have upon influencing the allottee to make of him a better and more productive citizen?—A. Most all of us, no matter how civilized or educated, are influenced more or less by our neighbors and companions, and certainly the influence would be greater upon those people who are more recently taking on education and civilization and who would be less liable to withstand the temptations of evil examples and pernicious conduct of the people who must necessarily be their neighbors and to some extent their friends. The morality and good conduct of the individual makes up the character of the community, and the individual in turn partakes of the sentiment and character in any country in the world, and the good character of our Indian citizen must ever be advanced or retired by the character of the white citizen with which in the future he must come in contact and intermingle as neighbors and friends.

Q. Have you, Mr. Hutchings, observed the sales of land actually made under the present rules governing some of the persons purchasing the land sold as to their being farmers, actual settlers, or persons buying for speculative purposes only?—A. Yes; I have noticed it very particularly, more particularly because it was to be observed from the very first purchase that the lands were being purchased by speculators, and as each week would go along I read very particularly to see if there was any change in this and saw there was none, the sales being comparatively to very few persons, and most of them are speculators and not farmers or persons who resided at any time in rural communities.

Q. Mr. Hutchings, what would be the effect upon the value of the homestead to have the owners of the land sold occupy the lands and improve them?—A. It would not only increase largely the value of

the homestead itself, but what would be probably better for the other, would increase the usable value of it, on account of having larger communities and easier access to markets and of various accompaniments of large communities accessible to the family in the way of schools, churches, and things of that sort.

WILLIAM T. HUTCHINGS.

Subscribed and sworn to before me this 15th day of February, 1904.

[SEAL.]

M. G. HASKELL, *Notary Public*.

My commission expires on the 28th day of October, 1906.

Deposition of A. P. McKellop.

A. P. McKELLOP, being by me first duly sworn, upon his oath makes the following statement:

Q. State your name, age, and residence.—A. A. P. McKellop; 45 years old; Muskogee, Ind. T.

Q. How long have you resided in the Indian Territory?—A. All my life.

Q. Are you a member of either of the Five Civilized Tribes by blood or adoption?—A. I am a member of the Creek tribe by blood.

Q. About what degree of Indian blood have you, Mr. McKellop?—A. About three-fourths.

Q. Are you engaged in any manner in the purchasing or leasing of lands in the Indian Territory?—A. I leased a few pieces of land from Indian members of the tribe a year and a half ago. I am not leasing any now and have not since.

Q. You have received your own allotment and the allotment of your family?—A. Yes, sir.

Q. Do you occupy any official position with the tribe at this time?—A. I am a member of the house of kings of the Creek council.

Q. This is the upper house of the Creek council, is it not?—A. Yes, sir.

Q. What other positions have you held?—A. I was clerk of the house of warriors—that is also a branch of the Creek national council—from 1882 to December 5, 1903, which time I took my seat as a member of the upper branch of the Creek council. I have been appointed and elected to various positions under the Creek government in the meantime, among which were a member of the board of examiners of school teachers for the public schools of the Creek Nation, revenue inspector, as a delegate to represent the interest of the Creek people at Washington, D. C., during five different sessions of Congress of the United States, and a member of the commission on the part of the Creek Nation in negotiating the treaty or Creek agreement of 1900 with the United States. I was also elected at the last session of Creek council during the last month as a delegate to represent the Creek Nation at Washington during the present session of Congress.

Q. Are you the same A. P. McKellop that compiled the laws of the Creek Nation, known as the Compilation of 1893?—A. Yes, sir.

Q. Have you a general acquaintance among the noncitizens and the Creek people in the Indian Territory?—A. Yes, sir.

Q. Have the various positions which you have filled in your continued residence in the Indian Territory brought you in contact with the members of the different tribes in the Indian Territory?—A. Yes, sir.

Q. What do you say as to the ability and capacity of the members of the different tribes, especially to the Creek tribe, to attend to their own business affairs successfully?—A. I am satisfied that the citizens of the Creek Nation are as competent to transact business in all respects as any agricultural people in any of the States.

Q. What would you say as to their ability compared to that of the noncitizen residents of the Indian Territory?—A. Comparing the same class of people, that is, the educated Indian with the educated noncitizen and the uneducated Indian with the uneducated noncitizen, I am satisfied that the Indians are equally as competent to make any trades or to care for their property as the noncitizens.

Q. In your opinion is there any greater degree of incompetency among the members of the tribe than among the same number of noncitizens of the agricultural classes of this country?—A. My observation has been that taking an equal number there are more Indians who can read and write than the noncitizen.

Q. What, in your opinion, is the best method for caring for the property rights of incompetent allottees?—A. I think the best plan would be by the establishment of a sufficient number of probate courts throughout the Territory at such places as are more accessible to the people; that is, as against the present system. The courts that are now established here are so few and are such large courts that it is a difficult matter for all of our citizens to reach the courts or to bear the expense necessary to have such matters of probate as they may have to attend to as rapidly as they should be.

Q. Even though the present places for holding courts were convenient to the people, was it your observation that the court, with its enormous criminal and civil business, can dispose of probate matters promptly and expeditiously?—A. No, sir.

Q. Are you familiar with the present rules and regulations for the sale of land in the Creek Nation?—A. Yes, sir; I am.

Q. What is your opinion as to whether or not these rules and regulations work to the interest and benefit of the allottees who desire to dispose of a portion of their allotment exclusive of homestead?—A. I have watched the effects of the rules and regulations prepared by the Interior Department regulating the sales of land in the Creek Nation and feel satisfied they fall short of the purposes intended to be accomplished. The time necessarily consumed in consummating a sale has been the cause of many of our citizens preferring to continue leasing their land rather than to attempt to sell. They also tend to prevent the purchasers from paying as high a consideration for the land as they would if the sales could be made with the allottee direct and the deeds issued at once. The uncertainty connected with every bid that is made also causes the purchaser to offer the lowest bid possible that he thinks might be the highest bid. I have lived among the Creek people all my life and have been in public life for twenty-two years, and I am acquainted with the Creek people throughout the Nation. I have always spoken the Creek language and have talked to a large number of the fullbloods who speak only the Creek language. I have found them to be as restive under the present restrictions on the sale of their lands as are those who are educated. They are opposed to any distinction being made between them and those who are educated. The Creek people are naturally a thinking people. They have always been advised against the selling of their lands, and I know that a very

large majority of the fullbloods will not sell their lands at all during their lifetime, or will not sell unless they receive all that their land is worth.

Q. If the restrictions on the sale of land exclusive of the homestead were entirely removed, is there a very large per cent of the full-blood Indians who would sell any portion of their surplus lands?—A. I have noticed that nearly all of the few who have offered a portion of their allotment for sale have offered 8 acres instead of 120.

Q. What is the disposition among this class of people as to a desire to know who they are selling to rather than the land should be put up at public sale and sold to the highest bidder?—A. The fullbloods are naturally of a suspicious character. They do not make friends very rapidly with noncitizens. They have confidence only in such persons as have lived neighbors to them for a long time, and such persons as they have had an opportunity to become thoroughly acquainted with in leasing of their land; they will very often lease to a noncitizen in whom they have confidence at a lower rental than they will to a stranger, and they are opposed to selling of their land under present methods, because they think in the first place that when this land is deeded to them it is theirs and that they should have the right to do as they please with it, and in the second place, they do not want their land to be sold to strangers. They do not want persons surrounding them with whom they have had no connections.

Q. Have you noticed the publication list of the purchasers of land up to this time through the office of the Indian agent?—A. Yes, sir.

Q. Are you acquainted personally or by reputation with any member of the purchasers of the land up to the present time?—A. I am personally acquainted with some of those who have been bidding on the land; others I am not acquainted with, but I have noticed from time to time same persons appear as bidders each week. Of those that I am acquainted with are men of large means, and they are bidding on a large number of tracts of land, and they have told me that they were buying this land for speculative purposes.

Q. Of those that you do not know personally, do you know anything by reputation as to whether they are farmers or capitalists?—A. My opinion is that they are men of large means; men who are able to buy large tracts of land.

Q. Do you know anything as to the comparative number of farmers and actual settlers now in the country looking after the lands and those that were here before the present rules and regulations went into effect?—A. Up to the issuance of the last rules, on July 10, 1903, there were a large number of farmers here from the middle and western States, who came here to buy land and build homes. A large number of them purchased land and deposited the required certified checks with the Indian agent. There were large amounts of money deposited in the banks by such persons for the purchase of allotments. Immediately upon the promulgation of the present rules, that class of people began at once to leave this country, and now only the wealthy men are making bids and putting up their money, and they are bidding not only on one piece of land but on a number.

Q. Will this, in your opinion, have a tendency to continue the tenant farming that existed in this country before allotments were made?—A. Yes; it will have a tendency, and will bring about a worse condition of affairs than formerly, because the new system of tenancy that will

eventually result from the present conditions will be a permanent one. Heretofore the lands were held in common and no lease could continue for any length of time, while if the land were purchased by capitalists a system of tenantry will be continued at the will of the absolute owners of the land.

Q. Has there ever been any disposition on the part of the tenant farmers of this country to improve the roads, build bridges, school-houses, churches, or make any improvements for the benefit of the community?—A. No, sir. On the contrary, they were composed of a roving class of people, 50 per cent at least of whom remain only long enough to plant their crops and wait until they secure what is called a stand and they sell out and move out of the country. They were a shiftless class of people, who were not prepared for farming. They had no money nor implements nor sufficient stock to do their farming.

Q. In conclusion I would ask what, in your opinion, would be the best for the members of the tribes generally as to the disposition of their land other than their homesteads?—A. I have thought over that matter a great deal. I have endeavored to arrive at some conclusion that I believe would be to the best interest of all the classes of the Creek people, and knowing that these restrictions will be removed within five years from July 26, 1902, and knowing that prior to that time the tribal governments will have been abolished, I believe it would be to the best interest of all classes of our people if the restrictions on all but the homesteads were removed unconditionally, because during the continuance of the tribal government our citizens have all the necessary protection. They have the chief, the council, the attorney for the nation, the Indian agent, and the Secretary of the Interior, and also it is absolutely necessary that our people be thrown upon their own resources; that they begin to understand and to prepare themselves for a new government that will be to free them after 1906.

There are no other people in the world who have so much land per capita, and there are no people in any country that can possibly cultivate 160 acres to each man, woman, and child, because it is a physical impossibility to do so. Our people should bring their holdings down within a reasonable amount, and 40 acres per capita is sufficient for all purposes of agriculture. Upon such reduced holdings our people can improve them, stock the same, and be prepared to pay the taxes to the new government under which they will soon be placed; otherwise they will find the burdens and requirements of that government, with large tracts of land unimproved and nonproductive, and the taxes will become a lien upon the said land. Our people feel that the Government of the United States has not fully carried out its promises to them. They say that if they are to be restricted in the sales of their land; that if they are not allowed to do as they please, that they might have held their land in common as before allotment.

Before the allotment of the lands our people had the whole country to draw from for their livelihood. Those that live on the prairies had their access to the timber land and those who lived in the bottoms had their range on the prairie land. Now, since they have taken their allotment, they are confined and can not go beyond their quarter section. They must depend upon the cultivation of their allotments to secure a livelihood. An ordinary family, consisting of father, mother, and two children, own 640 acres. A large part of our people are poor and wholly unable to inclose and to put into cultivation even a very

small portion of their holdings. They have therefore been forced into a system of land leasing, which has proven very unfortunate for our people, because their lands are now held by others for a term of five years, and at the average rental of 25 cents per acre they can not support themselves and their family. If they have already leased their land, they have absolutely no means for a livelihood. If they lease their lands, they are without lands to cultivate.

If they lease their lands, they are without lands to cultivate themselves and must depend solely upon the rental, which is not sufficient to support them. Eighty acres well improved will support the average family, while by selling 120 acres of the allotment of each of the adult citizens, this will give the average family the proceeds in cash the sum of \$240, and will leave to the family of parents and two children 400 acres, which is inalienable, and the price in cash of 240 acres with which to improve the remaining 400 acres. For the reasons given above, I believe that the restrictions on all the allotments in this nation, except the 40 acres for homesteads, should be absolutely removed at once. If this should be done, I am confident it will prevent this ruinous system of leasing and will place our citizens in a position to make themselves homes and farms that will make them a good living during their lifetime.

A. P. McKELLOP.

Subscribed and sworn to before me this 15th day of February, 1904.

[SEAL.]

M. G. HASKELL, *Notary Public*.

My commission expires on the 28th day of October, 1906.

Deposition of Alexander Posey.

ALEXANDER POSEY, being by me first duly sworn, upon his oath states as follows:

Q. State your name, age, place of residence, and occupation.—A. Alexander Posey; age, 30; Muscogee, Ind. T.; at present city editor of the Times at Muscogee, Ind. T.

Q. How long have you resided in the Indian Territory, Mr. Posey?—A. All my life.

Q. Are you a member of either of the Five Civilized Tribes; if so, what tribe?—A. Yes, sir; the Creek tribe.

Q. Are you in any manner engaged, directly or indirectly, in the purchasing or leasing of lands in the Indian Territory?—A. I am not.

Q. How long have you been engaged in the newspaper business?—A. About three years.

Q. Where were you educated, Mr. Posey?—A. Indian University, at Muscogee.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the Five Civilized Tribes, and what do you say as to their ability to sell their lands and carry on their own business affairs successfully? Please state fully.—A. I think, having resided here all my life, and being one of the so-called incompetents, I believe that the Indians are as competent to take care of their own affairs as any other people. And it is my judgment that the percentage of the incompetents in the Indian Territory among the Five Civilized Tribes is as small as any

other class of people in the the United States, and I believe, too, that there is as high a degree of intelligence in this country and is more general than in any section of the United States, for the reason that the people here are all representing the American people of the best type.

Q. Are you familiar, Mr. Posey, with the rules and regulations of the Secretary of the Interior now in force relating to the sale and leasing of land in the Indian Territory?—A. Yes, sir.

Q. What is your opinion, Mr. Posey, as to the success or failure of the rules in question?—A. I think that every rule that the Secretary has made governing the sale and leasing of land has been a signal failure. I believe that it keeps out the sort of farming class of people that we want in this country and produces a very inferior class of tenants, and the red tape surrounding these rules has a banker's speculative market, and the complicated affairs of that of the full blood who would sell his land is unable to fully understand how to sell his land. This applies also to the prospective purchaser, who would, if he could get the land without these formalities, become an actual settler of our land.

Q. What, in your opinion, would be the effect of the sale of the land, other than the homestead, to actual settlers?—A. It would result in the immediate growth and development of the country and the betterment of the allottee, and would enhance the value of the homestead. It would also result in the building of schools, churches, roads, bridges, and other improvements, that would be to the benefit of the Indian allottee and the settlers, and in my opinion is the only way to prepare the allottee for self-government.

Q. What official position have you held with the tribal laws of the Creek Nation?—A. I have been a member of council and superintendent of schools.

ALEXANDER POSEY.

Subscribed and sworn to before me this 15th day of January, 1904

[SEAL.]

M. G. HASKELL,
Notary Public.

My commission expires on the 28th day of October, 1906.

Deposition of M. K. Thompson.

M. K. THOMPSON, being first duly sworn, testified as follows:

Q. You may state your name, age, place of residence, and occupation.—A. M. K. Thompson; 32; Muscogee, Ind. T.; physician and surgeon.

Q. How long have you resided in the Indian Territory?—A. About twenty years; in Muscogee ten years.

Q. Where did you reside prior to coming to the Indian Territory?—A. Missouri.

Q. Are you a graduate of any college; if so, what college?—A. I am a graduate of two colleges—Austin College, Sherman, Tex., and the Southern Medical College, Atlanta, Ga.

Q. How long have you been engaged in the practice of medicine?—A. Eight years.

Q. Has that entire eight years been in the Indian Territory?—A. Yes, sir.

Q. Of what nationality are you?—A. I am part Cherokee.

Q. You are blood, then; a member of the Cherokee tribe, and an allottee in the Cherokee Nation?—A. Yes, sir.

Q. Are you a married man, and have you any children?—A. I am; I have two children.

Q. Is your wife and children also Cherokee allottees?—A. My wife and one of my children are allottees; the other child was born since the rolls were made up.

Q. Are you engaged in any manner in the purchase or leasing of land in the Indian Territory?—A. No.

Q. Are you a stockholder in or in any other manner interested in any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No, sir.

Q. Have you in your practice as a physician and in your life in the Indian Territory, prior to becoming a physician, been in frequent social, educational, and business communication with the members of the Five Civilized Tribes in the Indian Territory?—A. Yes, sir.

Q. And did you, prior to attending the colleges above mentioned, attend any school in the Indian Territory where you were brought into constant communication with other members of the Cherokee tribe?—A. Yes, sir; I attended school at the Cherokee Male Seminary at Tahlequah for about two years.

Q. Have you the means of knowing, and are you familiar with, the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes?—A. Yes, sir.

Q. What is your opinion as to the ability of the members of the Five Civilized Tribes, other than minors and such others as, from physical disability, are usually termed incompetents, being able and competent to take care of and manage their own business transactions and affairs?—A. I think they are amply able to do so.

Q. You may state what is the fact at present and during recent years as to the growth of population in the Indian Territory.—A. It has been increasing very rapidly.

Q. Speaking of the rural or farming districts, are they already or now being supplied with farmers' school districts and facilities?—A. Very little, except by private subscription.

Q. Does the present method of selling or leasing lands in the Indian Territory result in peopling the farming districts with a good class of citizens who encourage and aid in the building of schoolhouses, country churches, and home improvements, or does the existing method tend to fill the farming communities with a shiftless class of tenants, who are indifferent as to local improvements?—A. The present method does not induce or bring in a class of people who care at all for such things, and being on a constant move, they do not care for their own obligations, or education, or home improvements.

Q. In your opinion if the allottee was permitted without restrictions to sell his land other than the homestead would the result be a better class of citizens and better progress in home, educational, and general improvements?—A. There is no doubt of it.

Q. Referring to such incompetents as may be among the Five Civilized Tribes, whether from tender years or physical disability, do you

consider the present method of administering their estates as being adequate or practicable?—A. No, sir; they are very inadequate.

Q. What change would you recommend in the matter of handling the estates of incompetents?—A. Have a guardian appointed the same as in the States, through the medium of local probate courts.

Q. Then it is your opinion that the administration could best be exercised by local judges familiar with the people, the country, and their necessities?—A. I do. There is no doubt about it.

M. K. THOMPSON.

Subscribed and sworn to before me this 14th day of January, 1904.

[SEAL.]

E. R. JONES, *Notary Public*.

Deposition of J. H. Scott.

J. H. SCOTT, being first duly sworn, testifies as follows:

Q. Please state your name, age, place of residence, and occupation.—A. I am 57 years of age; live at Bacone, Ind. T.; I am president of Indian University.

Q. How long have you resided in the Indian Territory?—A. Nearly seven years.

Q. Have you during all that time been president of Indian University?—A. Yes, sir.

Q. Where did you reside prior to coming to the Indian Territory?—A. The year immediately before coming here I was in North Carolina; prior to that I was in Chicago.

Q. Are you in any manner engaged in the purchase or leasing of lands in the Indian Territory?—A. I am not.

Q. Are you a stockholder in, or in any other way interested in any firm, association, or corporation engaged in the purchasing or leasing of lands in the Indian Territory?—A. I am not.

Q. Are you a member of either of the Five Civilized Tribes by blood or adoption?—A. I am not.

Q. About what number of students did you usually have during the college year at Indian University during the seven years that you have been its president?—A. I suppose it averages 150.

Q. Are those students practically all citizens of the Indian Territory?—A. Ninety-five per cent of them are.

Q. What per cent are members of the Five Civilized Tribes?—A. Forty per cent.

Q. During your seven years' residence in the Indian Territory, are you brought into frequent daily communications in a social and business way with the members of the Five Civilized Tribes?—A. I am.

Q. Have you had what you would consider in your own opinion a good opportunity to know and become acquainted with the members of the Five Civilized Tribes, so as to judge of their business capacity?—A. Of the Cherokees, Creeks, and Seminoles I would answer yes; my acquaintance with the Choctaws has been less, although considerable among the Choctaws, and still less among the Chickasaws.

Q. How do the Indian students average with the 60 per cent of white students?—A. Barring the handicap of language, their average is equal to the average of the whites.

Q. Does this high standard of ability among the Indian students prove true as to the full bloods as well as to those of a less degree of Indian blood?—A. It does.

Q. You speak of the handicap of language. Does that language handicap incapacitate the Indian in the matter of business sagacity?—

A. Perhaps not; it may interfere with his meeting white men as successfully as he otherwise would.

Q. Is it any more of a handicap than the language of the German or other foreign immigrant to this country?—A. I think it does. The Indian language is utterly unrelated and unlike all other languages, and their stock of ideas is entirely different from the Anglo-Saxon ideas. This is not true of the German; their ideas have a common source with the Anglo-Saxon ideas. Speaking of the handicap of language, we do not realize what it means until we have actually experienced its working. It is the one thing that is keeping back the Indian. It is not a question of capacity; it is a question of language, in my judgment.

Q. What is your opinion as to the ability of the members of the Five Civilized Tribes to sell or lease their lands and to carry on their own business affairs successfully, excepting, of course, those who are incompetent by reason of tender years or physical or mental disability?—A. I consider them thoroughly competent, except as to the full-blood element, particularly those who are opposed to allotment and who do not want land; these would be unable to attend to their affairs, from a white man's standpoint—not from want of ability, but from an antagonism of private ownership of land.

Q. You may state whether within the last two or three years there has been a rapid growth in population in the Indian Territory.—A. There has been a rapid growth.

Q. You may state whether or not, particularly in the farming communities, the growth in population has resulted in establishing schools, country churches, and home improvements, or has the increase in country population been largely of a thriftless tenant class, who have not aided in such improvements, as a rule.—A. The emigration to Indian Territory of farmers, so far as my knowledge goes, has been of two classes; perhaps the majority that have come in the last two or three years have not been the most desirable class, although there are certain sections, as in the western part of the Cherokee Nation and in some considerable parts of the Creek Nation, where there is a thrifty class of farmers, and they are laying the foundations, as far as possible, of a substantial Commonwealth, building schoolhouses, churches, and cooperating in the uplifting of the community. Further, it should be said that the more recent comers have been of the better class.

Q. Do the tenant class constitute a desirable class of people?—A. In my judgment they do not.

Q. From your observation, is it not a fact that the present method of selling and leasing lands results in peopling the farming communities with an undesirable tenant class?—A. It certainly keeps out a very large number of the best class of farmers who would come here.

Q. Do you believe that if the allottee was permitted to sell his surplus land unrestricted that the result would be a more desirable class of neighbors for him and a consequent better improvement in the farming district?—A. Most emphatically yes. I want to say that the present plan of the Secretary is going to turn over this country to the

speculators. This is the worst scheme that we could have. This land will all be purchased by corporations, which will have a tendency to keep out the best class of farmers. The American farmer considers himself perfectly competent to deal with the man he is buying of, and would not buy in any other way.

Q. Speaking of such members of the Five Civilized Tribes who would ordinarily be termed incompetent, whether from tender years or other disability, do you consider the present method of administering their estates as practicable?—A. I do not.

Q. Would you suggest a method of administration which in your opinion would be better suited and better protect the incompetent and his estate?—A. The better plan would be to have it administered as it is in the States where the probate court would take charge of these matters, in a limited district, where there would be some personal consideration of the necessities of the individuals whose estates are being administered, because any one rule of procedure in detail would not successfully work in all instances.

Q. You may state whether or not the Federal courts as they now exist in the Indian Territory have time to consider these individual cases or whether they are already overworked with the ordinary court cases and trial business.—A. My understanding is that the courts as now organized have all they can attend to, aside from probate business.

J. H. SCOTT.

Subscribed and sworn to before me this 15th day of January, 1904.

[SEAL.]

E. R. JONES, *Notary Public*.

(My commission expires December 19, 1907.)

Deposition of E. W. McClure.

E. W. McCURE, being first duly sworn, testifies, as follows:

Q. State your name, age, place of residence, and occupation.—A. E. W. McClure; 42 years; Muskogee, Ind. T.; merchant.

Q. How long have you resided in the Indian Territory?—A. About thirteen years.

Q. Where did you reside before you came to the Indian Territory?—A. At Kansas City, Mo.

Q. How long did you reside there?—A. About ten years.

Q. Where did you reside prior to that?—A. In Lincoln, Nebr.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No, sir.

Q. Were you ever so engaged?—A. No, sir.

Q. Are you a stockholder or in any manner interested in any firm, association, or corporation engaged in purchasing or leasing land in the Indian Territory?—A. I am a stockholder in the Canadian Valley Trust Company; they have not leased any land yet.

Q. Are you a member of either of the Five Civilized Tribes, either by blood or adoption, and do you hold any official position in the tribal government?—A. No, sir.

Q. You may state if you have recently by appointment by the Federal court of this district discharged any duties that brought you in communication with the Indian allottees of this Territory in addition to your ordinary intercourse in your business.—A. Yes, sir.

Q. What were those duties, and how long did your services last?—

A. I was appointed a member of the board of referees of Muscogee Southern for the settlement of right-of-way damage claims.

Q. When were you appointed as such referee?—A. A year ago last fall.

Q. When did your services terminate, if they have terminated?—A. I do not know whether it is terminated yet or not.

A. Are you still having occasional hearings?—A. The last hearing was about two months ago.

Q. You may state whether, as such referee, you had occasion to meet the allottees and the Indian owners of the lands, and to hear their claims for compensation and damages to property—improvements and crops.—A. Yes, sir.

Q. You may state what territory your board of referees covered in this Muskogee Southern line.—A. From Muskogee to Canadian River.

Q. Near what town on the Canadian River?—A. Near Briartown.

Q. About what was the distance?—A. About 40 miles.

Q. In what nations?—A. Creek and Cherokee.

Q. You may state whether, or not, in your mercantile, social, and other intercourse with the public during the last thirteen years you have been brought into daily intercourse and trade relations with the members of the Five Civilized Tribes.—A. Yes, sir.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes?—A. Yes, sir.

Q. And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully?—A. I think they are capable of that; I think they can transact their business, and do it about as good as anybody I have found. I find it so in dealing with them.

Q. What would you say as to the per cent of the members of the Five Civilized Tribes who are competent to attend to their own business affairs, as compared with the ordinary American citizens in other communities in which you have resided?—A. I do not think there is much difference. I think there is no difference.

Q. What is your opinion regarding the success or failure of the rules of the Interior Department now in force relative to the selling and leasing of land in the Indian Territory?—A. Well, I do not think it is the right way to get about it, and I think the way they are doing they are holding off lots, and lots of them turned down, who, if they were given a chance, could sell even for more than the price offered.

Q. Have you observed the sale of land under the present rules governing the sale of the same who the persons purchasing the lands sold are?—A. I have in a good many instances; yes, sir.

Q. Does the present method of selling and leasing land in the Indian Territory lead to the purchasing and leasing by actual farmers, or does it lead to deterring purchases and leases by actual farmers, and lead to speculative and syndicate deals to the detriment of the actual improvement of the farm lands?—A. I think the syndicates are getting most of the land, and I do not think the farmer who wants to come here is getting hardly any. It is generally the ones who want to buy it and sell it to the farmers afterwards.

Q. Does this method now in existence people the farm lands with owners or does it lead to a tenant system?—A. It leads to a tenant system.

Q. From your observation does the tenant system consist of a

desirable population, who aid in the establishment of country schools, churches, home improvements, or otherwise?—A. No, sir; very few of them do. The majority of them are tenants of an inferior class, what you might say floating.

Q. Of such incompetents as there may be in the Five Civilized Tribes, arising from their minority or otherwise, what would be your opinion as to whether or not the present governmental method for supervising their property and affairs being a practicable or successful method?—A. No, sir; I do not believe it is.

Q. Does this lack of success in the present method arise largely from the fact that the controlling officer is too remote from the minor, or other incompetent, and hence not familiar with the interests of each such incompetent?—A. Yes, sir; he is too far off.

Q. Have you lived, during your former residence outside of the Indian Territory, in localities where probate courts existed for the care of incompetents and other property?—A. Yes, sir.

Q. What would you say as to the necessity for local probate courts in the Indian Territory for these purposes?—A. We need them.

E. W. McCLURE.

Subscribed and sworn to before me this 14th day of January, 1904.
[SEAL.] E. R. JONES, *Notary Public*.

Deposition of Rev. A. Grant Evans.

REV. A. GRANT EVANS, being first duly sworn, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. Grant Evans; 45 years old; Henry Kendall College, Muscogee; president of college.

Q. How long have you resided in the Indian Territory, Mr. Evans?—A. Something over ten years; I was here from 1884 to 1890, and then from 1898 to the present time.

Q. Where did you reside before you came to the Indian Territory?—A. Before I came the last time, in Leadville, Colo.

Q. Are you in any manner, directly or indirectly engaged in the purchase or leasing of lands in the Indian Territory?—A. No, sir; not in any way.

Q. Are you a member of the Five Civilized Tribes?—A. No.

Q. Have you, Mr. Evans, during your residence in the Indian Territory, observed carefully the business capacity and ability to take care of their own business affairs of the members of the Five Civilized Tribes?—A. Yes, sir; I have.

Q. What do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully; state fully?—A. I have known among the members of the Five Civilized Tribes many whom I regarded as among the shrewdest and most capable of business men, and with the exception of a small percentage of them, who can not yet speak the English language, I should say, as a class, that they were as well able to protect their own interests as the residents of any State of the Union.

Q. I will ask you, Mr. Evans, if you are familiar with the rules and regulations promulgated by the Secretary of the Interior of the United States in connection with the sale and leasing of lands?—A. Yes, sir; I am fairly familiar with them.

Q. What is your opinion regarding the success or failure of the rules

affecting the sale and leasing of lands in the Indian Territory; state fully, if you please?—A. My opinion is that the arrangements under the existing rules can not be carried out expeditiously enough to accomplish the result desired in such a way as to be most beneficial either to the allottees or to the country generally. I have talked with individual Indian citizens, who have represented to me that they had tenants who are desirable neighbors and who they had every reason to put confidence in; that they were anxious to make sales to individuals of this character that they might secure good neighbors, but under the existing rules they felt that they had no choice as to the character of people who may purchase their lands, and that many of them hesitate on that account to offer them for sale.

There is no question in my mind, but that a most serious injury is being inflicted upon the most helpless class of Indians by maintaining conditions which make it impossible for best class of actual settlers of moderate means to come into this country. The restrictions on the selling and leasing of lands, and the absence of schools are combining to keep out desirable settlers, and are making it inevitable that when the full-blood Indians lose the protection of their own tribal governments, as well as the Federal Government, they will be surrounded by a most shiftless, ignorant, and degraded class of white people and negroes. In addition to this the fact that under the existing regulations every discouragement is offered to the placing of lands where they will be subject to taxation and occupied by owners, will increase very seriously the difficulty of establishing a permanent school system by whatever Commonwealth may eventually have jurisdiction over this Territory. To the more thoughtless and ignorant the blame for this increased difficulty will be placed upon the Indians, who will, at the same time, by treaty, having given up their own schools, be looking for school privileges for their children. It seems to me that if these new citizens are to be treated in the right spirit, and with the cordiality and kindness which they will need, immediate steps should be taken to remove all cause of irritation against them. Undoubtedly the existing restrictions form a part of a set of circumstances which are developing amongst many of the new settlers of this country, an irritation which amounts in many cases to exasperation.

Q. You have, Mr. Evans, observed the sales, have you not, that have been made under the present rules of the Secretary, and, if so, what class of persons are buying these lands—are they persons who intend to become actual settlers, or speculators?—A. I am not familiar enough with them to be able to say that. I have noticed that under the existing regulations purchases are being made for speculative purposes.

Q. You have referred to the fact that there is, in this country as well as in every other community, a percentage of incompetents, by reason of tender years and other causes. What is your opinion, if you have one, as to the best means or method of administering to the estates of these incompetents?—A. I think those estates should be administered by competent guardians or trustees, who are responsible to the courts in the regular way, though this might necessitate the establishment of special courts of probate to deal with the matter.

- A. GRANT EVANS.

Subscribed and sworn to before me this 15th day of January, 1904.

[SEAL.]

E. R. JONES, *Notary Public.*

Testimony of J. L. Denbo.

In pursuance of notice given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came J. L. Denbo, who, being first sworn to testify the truth, the whole truth, and nothing but the truth, concerning each and every fact he may be interrogated upon, testifies as follows:

His age is 29 years; lives at Catoosa, Ind. T., and is a merchant; has lived here for the past eighteen years, and in the Territory all his life; is a Cherokee by blood and a member of the Cherokee national council; is not buying or leasing any land in the Territory.

Am of the belief the citizens are able to lease and sell their lands as to their best interest, as they are a progressive people, and the rules governing the leasing and selling are not the proper thing for the citizens, as they have allotted the land which is their property, and should dispose of their property as is best to their own interest. The restrictions on the homesteads are all the restrictions that should be in force for the advancement of this country. The lands sold are bought more by the so-called land grabbers than the farmers, who are the ones needed here.

The incompetent should be protected by a public administrator.

J. L. DENBO.

UNITED STATES OF AMERICA,

Indian Territory, northern district:

I, James Daniels, a notary public in and for the northern district of the Indian Territory, do hereby certify that the foregoing deposition of J. L. Denbo was taken before me, and was read to and subscribed by him in my presence at the time and place, and in the action mentioned in the caption; the said J. L. Denbo having been first sworn by me; that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Catoosa, Ind. T., this the 8th day of February, 1904.

[SEAL.]

JAMES DANIELS,
Notary Public.

(My commission expires October 24, 1906.)

Testimony of T. F. Cunningham.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came Thos. F. Cunningham, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. T. F. Cunningham; age, 24 years; occupation, farming.

Q. How long have you resided in the Indian Territory?—A. Twenty-four years.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No.

Q. Are you a stockholder in, or in any other manner interested in any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No.

Q. Are you a member of either of the Five Civilized Tribes, by blood or adoption, and do you hold any official position in the tribal government? If so, state what tribe and what position.—A. I am a Cherokee by blood. I hold no position in the tribal government or otherwise.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. I feel sure that the Indians are capable of transacting their own business.

Q. Have you observed the sales of land under the present rules governing same, and the class of persons purchasing the lands sold, as to their being farmers, actual settlers, or persons buying for speculative purposes? State fully.—A. No land sold in the Cherokee Nation.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. Give them equal rights and let them manage their own affairs.

T. F. CUNNINGHAM.

UNITED STATES OF AMERICA,

Indian Territory, western district, ss:

I, W. D. McBride, a notary public in and for the western district of the Indian Territory, do hereby certify that the foregoing deposition of Thos. F. Cunningham was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption, the said T. F. Cunningham having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Fort Gibson this 10th day of February, 1904.

W. D. McBRIDE,
Notary Public, Western District, Indian Territory.

(My commission expires September 24, 1904.)

Testimony of W. M. Gulager.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came W. M. Gulager who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. Fort Gibson, Ind. T.; farmer.

Q. How long have you resided in the Indian Territory?—A. Always.

Q. Are you engaged, in any manner, in the purchase or leasing of lands in the Indian Territory?—A. None other than my own.

Q. Are you a stockholder in, or in any other manner interested in, any firm, association, or corporation, engaged in purchasing or leasing lands in the Indian Territory?—A. No, sir.

Q. Are you a member of either of the Five Civilized Tribes, by blood or adoption, and do you hold any official position in the tribal government? If so, state what tribe and what position.—A. Cherokee by blood.

Q. Have you the means of knowing, and are you familiar with, the

business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. They can cope with an equal number of United States citizens from any State in the Union.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. Should be changed.

W. M. GULAGER.

UNITED STATES OF AMERICA,

Indian Territory, Western District, ss:

I, W. D. McBride, a notary public in and for the western district of the Indian Territory, do hereby certify that the foregoing deposition of W. M. Gulager was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption.

The said W. M. Gulager, having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Fort Gibson, Ind. T., this 5th day of February, 1904.

W. D. McBRIDE,

Notary Public, Western District Indian Territory.

(My commission expires September 24, 1904.)

Testimony of W. H. Hendricks.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came W. H. Hendricks, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. Age, 73; W. H. Hendricks; Manard, Ind. T.; farmer.

Q. How long have you resided in the Indian Territory?—A. Since May, 1832.

Q. Where did you reside before you came to the Indian Territory?—A. Old Cherokee Nation, now the State of Georgia.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No; I am not.

Q. Are you a stockholder in, or in any other manner interested in any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No; I am not.

Q. Are you a member of either of the Five Civilized Tribes by blood or adoption, and do you hold any official position in the tribal government? If so, state what tribe and what position.—A. I am a Cherokee by blood; I don't hold any office at all.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their

own business affairs successfully? State fully.—A. My opinion is that they are capable of attending to their own affairs.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. I am not fully posted.

Q. Have you observed the sales of land under the present rules governing same, and the class of persons purchasing the lands sold, as to their being farmers, actual settlers, or persons buying for speculative purposes? State fully.—A. No land sold in the Cherokee Nation that I know of.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. At present I am not fully able to state.

W. H. HENDRICKS.

UNITED STATES OF AMERICA,

Indian Territory, Western District, ss:

I, W. D. McBride, a notary public in and for the western district of the Indian Territory, do hereby certify that the foregoing deposition of William H. Hendricks was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption.

The said William H. Hendricks having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Fort Gibson, Ind. T., this 5th day of February, 1904.

W. D. McBRIDE,

Notary Public, Western District Indian Territory.

(My commission expires September 24, 1904.)

Letter of Hon. Robert L. Owen, a Cherokee citizen, formerly United States Indian agent for the Five Civilized Tribes.

MUSCOGEE, IND. T., *December 10, 1903.*

HON. J. GEORGE WRIGHT,

United States Indian Inspector, Muscogee, Ind. T.

SIR: I can not but believe that the honorable Secretary of the Interior has been misled in his estimate of the relative capacity of the United States Indian citizens of Indian Territory as compared with that of other United States citizens. The term "Indian" citizen itself misleads, as all are United States citizens and only 20 per cent are of full Indian blood.

The ordinary man has never complained to the Secretary of wrong done by the allottee, because the citizen not of Indian blood has no forum of relief with the Secretary, but many allottees, mostly freedmen, have without just cause filed complaints to the Secretary of the Interior, alleging illtreatment. Such as in the case of Jessie Norris, who falsely charged a trust company here with robbing him of his certificate of allotment, forging a deed to his land, and paying him no money, every item of which proved to your office to be false, where it was shown that he had, like a knave, leased his land to at least three persons, and getting their money and retaining it from every one. There are many unscrupulous men in any country, whatever. The

records of the Indian agents' office will show that allottees, especially freedmen, who were unscrupulous, have been shrewder than the white man, and have attempted to defraud in ten cases where one has been made to wrong the allottee. The Indian agent's office knows this to be a fact.

Your attention is called to this matter because it shows that in the matter of craft and graft the allottee, willing to defraud, has been more intelligent than the average white man. Let no man judge the integrity of the Indian citizen of Indian Territory by the rascalities of those who are knaves. Neither class of citizens of Indian Territory, white or Indian or negro, should be judged by the scamps that are found among all people.

Indian Territory is being greatly retarded both in its town and country developments because of the complicated machinery of the Interior Department attending the sale and lease of lands. This is an injury to the entire country, which is appreciated and felt by the people in the great Southwest. For example, I inclose you a powerful editorial of the *Globe Democrat* of December 8, 1903, headed "Indian Territory Held Back." These complicated rules are intended of course to protect the innocent allottee against the shrewdness of the other citizens of the United States resident of Indian Territory. It is presumed that the full-blood Indian is a man totally ignorant and incapable of self-protection. It is of course true that some full-blood Indians are very ignorant, and this is equally true of citizens of St. Louis; but it is also true that many of the full-bloods are educated people; that they have been under the influence of school opportunities for over fifty years, and if they have cared to be educated they have had an opportunity. The son of a full-blood Choctaw, Rev. Frank Wright, a trained theologian, educated in New York City, and a very highly finished musician, is now conducting an enthusiastic revival among the whites of Muscogee at the leading Presbyterian church. He fills the pulpit ordinarily occupied by the Rev. J. K. Thompson, a Cherokee by blood, who is partly white. The latter gentleman is a highly educated man, and finished his training in Glasgow, Scotland. Some of the best bankers and business men of Muscogee are of Indian blood, and have never dreamed of asking any special protection at the hands of anybody on the grounds of incompetency. No one in this country objects to the protection of incompetents, but to impose harsh rules upon the whole country, and upon men of the highest order, on the theory of protecting the incompetents, is surely not only unjust to the man who is able to attend to his own matters, but it is harmful to the development of Indian Territory and the development of the Southwest, and subjects the Government to large expense without just cause.

The effort to thus administer 80,000 allotments is gorging the office of the one Indian agent until he has no time to do this properly and attend to any other business, and is making a tremendous and useless draft on the United States Treasury.

At a fair estimate there are 700,000 people in Indian Territory. There are 85,000 members of the tribes and only 17,000 full bloods in that number. There are only 20 per cent who could be claimed as incompetents on the ground of being full bloods, and certainly one-half of these could prove to any just judge that they were competent to attend to their own business. They have all taken care of themselves "from the time whereof the memory of man runneth not to the contrary,"

without the help of the United States Government, and they can see no urgent necessity now, after fifty years of school privileges, for the sudden assumption of their incompetency.

Even if the theory were true that they were incompetent, is it not a singular method of protection to deliver to them the money which is more easily spent than the land? If they are not competent to handle the land, are they more competent to handle the money? If they would sell the land carelessly, are they likely to handle the money less carelessly? If the theory is true that the Indian is improvident or drunken, is his providence stimulated by turning over to him the money, or will his drunkenness be prevented or diminished by putting into his hands the money from the land, be it greater or less?

The fact is that no statute will protect an improvident man against improvidence, nor a drunken man against drunkenness. Only the laws of the Omnipotent control such matters, and only the laws of God will teach a man who is improvident the importance of providence, or a drunkard the importance of sobriety. Certainly no employees of the Interior Department, at a distance of 1,500 miles, are capable of instructing the people of this country in these elementary lessons of life. No departmental regulations, whether of 48 pages or 4,800 pages, will accomplish these desirable results.

We all agree with the excellence of the motive, but are compelled to utterly dissent from the theory that it is possible. Even if it were possible, 90 per cent of the people of Indian Territory ought not to be subjected to harsh conditions and complicated rules on account of the 10 per cent of alleged incompetents. I myself am an alleged Indian, and come

under these onerous restrictions, although from my physical appearance no man would know whether I was an Indian or an Irishman. I took the degree of master of arts at Washington and Lee University twenty-six years ago, and have been a continuous student since that time. I have filled all sorts of positions in Indian Territory, incidentally as United States Indian agent for the Five Civilized Tribes from 1885 to 1889; was president of the leading bank of Indian Territory for ten years, and yet I can not lease 40 acres of land without the approval of the employees of the Interior Department. They are personal friends of mine, and I think would probably grant me this privilege if I made proper representation with regard to it, and complied with the rules found in the book of 48 pages of departmental regulations relative thereto.

Conceding the importance of securing for the incompetent Indian a larger price for his land, I respectfully suggest that his interest is not served by the imposition of intricate and difficult rules, which necessarily diminishes competition. Of some 38 pieces of land offered for sale last week, 28 pieces did not pass the barriers of the Indian agent's office because of no bid or no appraisalment, or for other technical reasons. Only 10 pieces passed muster there and no one knows whether any one of these 10 pieces will actually result in a sale. Nearly three years have passed since these sales were authorized with the approval of the Interior Department, and out of the 16,000 citizens of the Creek country they have succeeded in having three deeds approved.

We still hope for progress, however.

Between January 1 last and July 1 last the Interior Department changed its rules with regard to these lands, I believe, five times. The change in last July was a complete change of method, and caused the withdrawal, in three months, from the banks of Muscogee alone, of over \$400,000 of money and nearly \$500,000 in certified checks in the Indian agent's hands as payment for deeds already executed and awaiting approval, all of which desired to be invested in lands in Indian Territory.

The actual settlers who desired to buy under the present rules have no reasonable chance on earth, because the actual settler can not stay six months on the ground to determine the question as to whether or not he will be the purchaser of the land he desires to acquire. For the further reason that under the present conditions he must put up every dollar in cash in advance before he can buy, and therefore is cut off from borrowing any part of the money against the land, which he could do if he were able to acquire the deed the same day that he pays the money. To make this clear I will cite an instance:

John Smith goes into the Territorial Trust Company and says: "I have \$1,800; I want to buy 120 acres of land; it will cost me \$2,000 to buy it, and I would have nothing left to improve it with. I would like to borrow \$1,000 from you on the land and mortgage the land to you on long time. I will put \$1,000 of my own money in the purchase price and will put the other \$800 which I have in its improvement, and by my labor I can pay you the money loaned to me and your security will be sufficient."

The trust company replies: "You can not give us any security until you have paid in full for the land. You can not get the land until it has been advertised for sixty days, and then only in event that you outbid all others and the various rules of the Department have been observed, and then you can not do it unless, in the meantime, the allottee has not changed his mind, and then you can not get it unless you put up the whole of the money, subject to the approval of the Secretary of the Interior, and in this intervening time you can not give this security, because the land is not yours, therefore we can not lend the money."

The effect of these rules has been to drive out the actual settler and leave in the list of buyers almost exclusively a class of men who have idle money and who are acquiring these lands for speculative purposes. After the speculators have bought the land they will, of course, sell to the actual settler at a reasonable advance for their trouble and time and for their compliance with the intricate regulations of the Interior Department. These complicated rules are, in effect, ultimately paid for in so many dollars per acre by the actual settler on these lands without corresponding benefit to the Indian citizen of the United States. It is a bad policy for the settler; it is a bad policy for the Indian; it is a bad policy for the Southwest, and it is a bad policy for the United States.

If it were understood that those who desired to buy without difficulty when they found a piece that suited them and could then and there conclude their trade, this country would be filled with actual settlers. You well know that thousands of men have come into this country desiring to buy and have returned because they were unable to acquire property. The Indian agent's office is well aware of this fact, and every business man in this country knows it. If this great

class of worthy settlers were given an opportunity, it would be an immense advantage to the allottees themselves, and more especially to the minors, by the rapid rise in values. The minors can not sell, and the adults only own two-fifths of the land at the outside, and the adults can only sell a portion of this two-fifths, so that the dismal misapprehension that incompetent Indians, such as myself and tens of thousands of others, will be suddenly deprived of our heritage is not well founded.

It is an elementary proposition that supply and demand control prices, and any system of intricate rules administered at a distance of 1,500 miles undoubtedly constitutes a most serious obstacle to competition, and must diminish the selling price of the property.

The theory of protecting the allottee who is an idiot, by getting him, at the expense of the United States, more money for his land and turning over to the idiot the money, is absurd. This theory, even if sound, would not justify the oppression of 70,000 allottees who are not believed by anybody to be incompetent. It would not justify the huge sums of money which have been taken from the Treasury of the United States during the last ten years, since the Dawes Commission was established in 1893. It would not justify the continuance of this great draft on the Federal Treasury. The present law and the rules thereunder, absolutely nullifies the very object of the Government in appointing the Dawes Commission, and in individualizing these lands. The purpose of individualizing the lands was to stimulate the individual who was willing to cultivate the soil, to make productive the lands of Indian Territory, to raise this section of the country to a level of the adjacent States, and give its people and all its people the full benefit of modern civilization.

The general theory of the Interior Department, which seems to have been firmly established, that the allottee is a victim of graft has been proved in the Indian agent's office to be grossly unjust, as the records there show that the allottee, who chooses to be unscrupulous, has been guilty of graft in ten cases where he has been the victim of this alleged crime. If grafting be a measure of intelligence (which it is not), then the allottee, especially the freedmen, is ten times as shrewd as his visiting brother. He is probably neither better nor worse, but has had greater temptation and larger opportunity. No man can tell an allottee on the streets from any other citizen of the United States, either by his language, clothing, or demeanor, except, perhaps, where the complexion of the man would indicate that he was a full-blood Indian. It is not the province of the Government of the United States to control the private dealings of citizens with each other except through courts of law, where frauds may be punished either by criminal action or by civil damages. No community can be found where individual instances of unjust dealing may not be discovered, and these instances offer no just argument for accusing the whole people or for changing the system of jurisprudence or the contractual relations that exist elsewhere throughout the Union.

The Congress of the United States gave full and complete citizenship of the United States to all of the Indians of the Five Civilized Tribes March 3, 1901, even if they had not had it before then, under the fourteenth amendment of the Constitution of the United States. It certainly seems very harsh that the people of Indian Territory should be

judged by the *ex parte* complaints of many who have been proven to be knaves. No community should be judged by its police courts.

There is no reason to believe why the thirty-odd thousand persons born in Missouri (census, 1900), now resident of Indian Territory, should suddenly become thieves when coming here. There is no reason why the 10,000 born in Illinois, now resident in Indian Territory, should have changed their characteristics when they crossed the Territory lines, except for the betterment of such people, and because they have come to a country where every providence of God invites man to be better and not worse. Yet the *ex parte* complaints filed in the Interior Department have caused some of our Washington officials to believe that the citizenship of Indian Territory is utterly different from the character of the good men, and the women who gave birth to their sons and daughters, now resident in Indian Territory.

The strength and power of the United States has been developed by giving liberty and the power of the initiative to the individual citizen. This has developed the citizen and made the citizen of the United States the most active and intelligent man, on the average, which the world has ever produced. There is only one class in which this rule has been departed from, to wit, the reservation Indian, who has been kept under the Indian agent, whose initiative has been taken from him, whose independence has been destroyed; and the reservation Indian is also the only man in the United States who has made no substantial progress. Why shall Indian Territory be subjected to this continued departmental dominance and the initiative of its citizenship destroyed, its independence subjected, and its self-respect humiliated by the everlasting and unending suggestion of incompetence. For one man, I protest against it, and I file this protest in your office with the request that you forward it to the honorable Secretary of the Interior—I should like for his consideration, but at least that it may be filed in the archives of his office.

I do not think it the part of a good citizen to carelessly impugn the motives of any of the officers of the Government; they have difficulties enough to wisely administer the laws, even with the support of the citizens, and I do not wish this letter to be taken as intending anything more than a suggestion as to how matters might be improved in Indian Territory. I am not willing to criticise the Secretary of the Interior or his Department, but I hope I may be forgiven if I can not help feeling that the Department itself is influenced by one of the most striking characteristics of human nature—the natural ambition to enlarge the authority of its office; to sincerely believe that the Department can more wisely administer my personal affairs than I can myself; to seriously entertain the opinion that it understands better than I do what is better for me and my household.

Ninety per cent of the allottees are as competent as the average citizens of Missouri.

The present method does not even protect the alleged incompetent, while it does great harm to the great body of our people, and a serious injury to the development of Indian Territory and the Southwest.

The present method has hardly begun and the office of the Indian agent is congested beyond reason.

What excuse is there for vast appropriation from the United States Treasury to support a system so useless, so unjust, so injurious, so vexatious?

It is unfortunate for the standing of the Government that any suspicions should attach to the Department that its views with regard to the Indian Territory should be influenced by the ambition to rule, or any other motive than the best interests of the people of Indian Territory. We all desire to feel a proper love for our Government, to admire its laws, and to respect and honor its Executive. We think that we ought to be placed where we may do so with a free conscience, without pretense, and with a sincere affection.

Yours, respectfully,

ROBERT L. OWEN.

Testimony of T. S. Harris.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came T. S. Harris, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. T. S. Harris; 34 years old; Sulphur; farmer.

Q. How long have you resided in the Indian Territory?—A. Thirty-four years.

Q. Where did you reside before you came to the Indian Territory?—A. Born in Territory.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No.

Q. Are you a stockholder in, or in any other manner interested in, any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No.

Q. Are you a member of either of the Five Civilized Tribes, by blood or adoption, and do you hold any official position in the tribal government? If so, state which tribe and what position.—A. Blood; county clerk, Tishomingo County, Chickasaw Nation.

Q. Have you the means of knowing, and are you familiar with the business ability and capacity to attend to their own affairs, of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. A great majority are able to carry on their own business.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. It is a failure.

Q. Have you observed the sales of land under the present rules governing same, and the class of persons purchasing the lands sold, as to their being farmers, actual settlers, or persons buying for speculative purposes? State fully.—A. Only observed through the papers. No sales being made in Chickasaw Nation.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. Have guardians appointed.

T. S. HARRIS.

UNITED STATES OF AMERICA,

Indian Territory, Southern District, ss:

I, J. M. Webster, a notary public in and for the southern district of the Indian Territory, do hereby certify that the foregoing deposi-

tion of T. S. Harris was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption. The said T. S. Harris having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Sulphur, Ind. T., this 3d day of February, 1904.

[SEAL.]

J. M. WEBSTER,
Notary Public, Southern District, Indian Territory.

Testimony of C. J. Webster and J. H. Wright.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came C. J. Webster and J. H. Wright, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning each and every fact they may be interrogated upon, testified as follows:

Q. State your names, ages, places of residence, and occupations?—A. C. J. Webster, 36 years, banker; J. H. Wright, 45 years, insurance.

Q. How long have you resided in the Indian Territory?—A. Ten years.

Q. Where did you reside before you came to the Indian Territory?—A. Texas and Oklahoma.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No.

Q. Are you stockholders in, or in any other manner interested in, any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No.

Q. Are you members of either of the Five Civilized Tribes, by blood or adoption, and do you hold any official position in the tribal government? If so, state which tribe and what position.—A. No.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. They are competent.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. Failure in every particular.

Q. Have you observed the sales of land under the present rules governing same, and the class of persons purchasing the lands sold, as to their being farmers, actual settlers, or persons buying for speculative purposes? State fully.—A. All are speculators, without a single exception.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. As minors are cared for in the States.

C. J. WEBSTER.
J. H. WRIGHT.

UNITED STATES OF AMERICA,
Indian Territory, Southern District, ss:

I, T. F. Gafford, a notary public in and for the southern district of the Indian Territory, do hereby certify that the foregoing depositions

of C. J. Webster and J. H. Wright were taken before me and were read to and subscribed by them in my presence at the time and place and in the action mentioned in the caption, the said persons having been first sworn by me that the evidence they would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Sulphur this 18th day of January, 1904.

[SEAL.]

T. F. GAFFORD,
Notary Public, Southern District, Indian Territory.

Testimony of J. H. Bowers.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came J. H. Bowers, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. J. H. Bowers; 66 years old; Muldrow, Ind. T.; postmaster.

Q. How long have you resided in the Indian Territory?—A. Thirty-six years.

Q. Where did you reside before you came to the Indian Territory?—A. Fort Smith, Ark.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No.

Q. Are you a stockholder in, or in any other manner interested in, any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No.

Q. Are you a member of either of the Five Civilized Tribes, by blood or adoption, and do you hold any official position in the tribal government? If so, state which tribe and what position.—A. No.

Q. Have you the means of knowing, and are you familiar with, the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes, and what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. Yes; they are fully competent as the whites.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. It is a failure.

Q. Have you observed the sales of land under the present rules governing same, and the class of persons purchasing the lands sold, as to their being farmers, actual settlers, or persons buying for speculative purposes? State fully.—A. By speculators only, as actual settlers can't compete with the speculators.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. The Government should hold some restrictions on that class—which is only a small class.

J. H. BOWERS.

UNITED STATES OF AMERICA,

Indian Territory, Northern District, ss:

I, W. H. Norrid, a notary public in and for the northern district of the Indian Territory, do hereby certify that the foregoing deposition of J. H. Bowers was taken before me and was read to and subscribed

by him in my presence at the time and place and in the action mentioned in the caption, the said J. H. Bowers having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Muldrow this 18th day of January, 1904.

[SEAL.]

W. H. NORRIS,
Notary Public, Northern District Indian Territory.

Testimony of John R. Rash.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came John R. Rash, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. Farmer.

Q. How long have you resided in the Indian Territory?—A. Since 1890.

Q. Where did you reside before you came to the Indian Territory?—A. Arkansas.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No.

Q. Are you a stockholder in, or in any other manner interested in, any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No.

Q. Are you a member of either of the Five Civilized Tribes by blood or adoption, and do you hold any official position in the tribal government? If so, state which tribe and what position.—A. No.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. Fully competent.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. A failure.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. By probate.

JOHN R. RASH.

UNITED STATES OF AMERICA,

Indian Territory, Central District, ss:

I, David Crenshaw, a notary public in and for the central district of the Indian Territory, do hereby certify that the foregoing deposition of John R. Rash was taken before me and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption, the said John R. Rash having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Fanshawe this 16th day of January, 1904.

[SEAL.]

DAVID CRENSHAW,
Notary Public, Central District Indian Territory.

Testimony of D. Walker.

In pursuance of notice previously given the Secretary of the Interior of the United States respecting the taking of testimony herein, personally came D. Walker, who, being first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning each and every fact he may be interrogated upon, testified as follows:

Q. State your name, age, place of residence, and occupation.—A. D. Walker; 57; Bokchito, Ind. T.

Q. How long have you resided in the Indian Territory?—A. Eight years.

Q. Where did you reside before you came to the Indian Territory?—A. Texas.

Q. Are you engaged in any manner in the purchase or leasing of lands in the Indian Territory?—A. No.

Q. Are you a stockholder in, or in any other manner interested in, any firm, association, or corporation engaged in purchasing or leasing lands in the Indian Territory?—A. No.

Q. Are you a member of either of the Five Civilized Tribes, by blood or adoption, and do you hold any official position in the tribal government? If so, state which tribe and what position.—A. None.

Q. Have you the means of knowing and are you familiar with the business ability and capacity to attend to their own affairs of the members of the so-called Five Civilized Tribes? And what do you say as to their ability to sell and lease their lands and carry on their own business affairs successfully? State fully.—A. Yes; the majority are.

Q. What is your opinion regarding the success or failure of the rules of the Secretary of the Interior now in force regulating the sale and leasing of land in the Indian Territory?—A. Detrimental to both Indians and United States citizens.

Q. Have you observed the sales of land under the present rules governing same and the class of persons purchasing the lands sold, as to their being farmers, actual settlers, or persons buying for speculative purposes? State fully.—A. More for speculative purposes than any other.

Q. What is your opinion as to the best method of caring for the incompetent allottees?—A. Territorial form of government or State form of government.

D. WALKER.

UNITED STATES OF AMERICA,

Indian Territory, central district, ss:

I, W. C. Caudill, a notary public in and for the central district of the Indian Territory, do hereby certify that the foregoing deposition of D. Walker was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption, the said D. Walker having been first sworn by me that the evidence he would give would be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal at Bokchito this 16th day of January, 1904.

[SEAL.]

W. C. CAUDILL,

Notary Public, Central District, Indian Territory.

Petition.

To the honorable the Senate and House of Representatives in Congress assembled:

We, the undersigned, humbly pray that the restrictions now governing the sale and lease of lands in Indian Territory, except homesteads, be removed by act of Congress for the following reasons:

First. The lands of the Territory can not otherwise be improved and fitted to bear the burden of taxation necessary to support self-government, to establish schools, build roads and bridges, and other public works, or to administer the laws necessary for the preservation of peace and order.

Second. The former members of the so-called Five Civilized Tribes have been a Christian, civilized, agricultural people for five generations, and with full school privileges and constitutional laws for over a half century. They are as competent to manage their own affairs as the people in any of the other States of the nation, whether east or west. The per cent of incompetence, whether from minority or from other cause, is as low among the members of this former so-called Five Civilized Tribes as among citizens of the older States. The incompetent, minor or adult, can be best protected by the usual medium of probate courts, and the overwhelming percentage of competent members should not be embarrassed in the management of their affairs.

In pursuance of the policy of the United States as expressed in the laws passed by Congress during the last ten years, Indian Territory must very soon assume the burden of State taxation, and it is of the highest importance that the lands should be cultivated, and the people put in a position to bear the reasonable burdens of citizenship under the new method of government, which is contemplated to take place in a very short time.

On behalf of the city of Sulphur Springs, Ind. T.:

D. J. KENDALL, *Mayor*.

J. A. MELSON,

A. V. PONDER,

W. O. HARRIS,

Members of Town Council.

Attest:

[SEAL.] B. E. RAWLINGS, *Recorder*.

On behalf of the city of Catoosa, Ind. T.:

W. R. McKEEHAN, *Mayor*.

D. W. RAMSEY,

H. T. JORDAN,

C. W. BENEDICT,

J. K. HILL,

Members of Town Council.

On behalf of the city of Clarksville, Ind. T.:

[SEAL.]

J. R. ROMELL, *Mayor*.

LAWRENCE WRIGHT,

JAMES M. HENSON,

C. W. MARSTON,

Members of Town Council.

On behalf of the city of Addington, Ind. T.:

C. E. ELDES, *Mayor*.
J. B. PACE,
R. MCKENNEY,
I. P. GARRETSON,
JOHN T. THOMSON,
J. A. FORMLEZ,

Members of Town Council.

On behalf of the city of Fort Gibson, Ind. T.:

A. R. MATHESON,
Recorder.

JOHN T. DREW,
City Attorney.

W. L. BLACKWELL,
Tax Collector.

M. V. BENGE,
City Marshal.

ROBT. BENGE,
Assistant City Marshal.

C. H. SHAFFER,

P. L. PYLE,

J. F. HAAS,

J. C. BERD,

Members of Town Council.

On behalf of the city of Emet, Ind. T.:

G. A. MELTON, *Mayor.*

J. H. DOBSON,

J. W. MARSHALL,

A. H. SEELEY,

Members of Town Council.

Attest:

F. E. PANGBURN, *Clerk.*

On behalf of the city of Webbers Falls, Ind. T.:

C. C. TITTLE, *Mayor.*

JAMES C. BUCHANAN,

W. M. GIBSON, Jr.,

J. T. NEAL,

Members of Town Council.

H. L. SANDERS, *Recorder.*

T. M. LOOFIN.

On behalf of the city of Westville, Ind. T.:

J. A. BRYANT, *Mayor.*

D. P. WASSON,

JNO. DODGEN,

J. R. JONES,

W. A. WEST,

Members of Town Council.

W. M. JEFFRIES,

Recorder.

R. Y. NANCE,

City Attorney.

On behalf of the city of Goodwater, Ind. T.:

W. J. WHITMAN,
Postmaster.

M. H. MAYNOR,
Assistant Postmaster.

On behalf of the city of Welch, Ind. T.:

J. N. LIFF,
President Commercial Club.

W. F. BLEWETT,
Secretary.

E. N. WILLIAMSON,
Treasurer.

On behalf of the city of Roff, Ind. T.:

JOHN A. CLARK,
Mayor.

W. B. CROWDER,

C. M. PARRISH,

H. C. RUSSELL,

E. W. TURNER,

J. A. BRALY,

Members of Town Council.

On behalf of the city of Bukchito, Ind. T.:

L. A. SMITH, *Mayor.*

WM. W. STEAKLY,

J. A. STINSON,

J. M. MOORE,

F. F. LANG,

Members of Town Council.

J. C. DABBS,

City Marshal.

On behalf of the city of Broken Arrow, Ind. T.:

J. B. PARKINSON, *Mayor.*

R. A. WALLER,

CHAS. A. NICHOLS,

W. F. BROOKS,

R. S. PLUMLEE,

LUTHER GIDEON,

Members of Town Council.

On behalf of the city of Muscogee, Ind. T.:

THOS. P. SMITH, *Mayor.*

H. C. COBB,

J. L. DABBS,

S. P. MANN,

W. L. REEVES,

E. H. HUBBARD,

GEO. T. FRYER,

FAYETTE TODD,

R. P. DE GRAFFENRIED,

Members of Town Council.

Attest:

[SEAL.]

E. L. BERRY, *Recorder.*

On behalf of the city of Westville, Ind. T.:

J. A. BRYANT, *Mayor*.

JOHN R. JONES,

JNO. DODGEN,

D. P. WASON,

W. A. WEST,

Members of Town Council.

W. M. JEFFRIES,

Recorder.

On behalf of the city of Sulphur Springs, Ind. T.:

D. J. KENDALL, *Mayor*.

A. V. PONDER,

J. A. WILSON,

W. O. HARRIS,

Members of Town Council.

Attest:

B. E. RAWLINGS, *City Recorder*.

On behalf of the city of Chickasha, Ind. T.:

R. N. MURPHY, *Mayor*.

JOHN WELLS,

J. B. BURTON,

DENNIS O'BRIEN,

F. M. DENTON,

J. F. BISHOP,

Members of Town Council.

ALGER MELTON,

City Attorney.

JOE DEWS,

City Clerk.

On behalf of the city of Stilwell, Ind. T.:

R. A. TUELL, *Mayor*.

LUTHER KYLE,

W. H. DAVIS,

J. D. HILTON,

E. MOORE,

J. L. MORTON,

Members of Town Council.

Attest:

ROBT. W. WALKER, *Recorder*.

On behalf of the city of Centralia, Ind. T.:

W. S. TROTTER, *Mayor*.

B. L. ELAM,

J. H. JOHNSON,

J. S. HARGROVE,

C. W. MILLER,

M. STUDYBAKER,

Members of Town Council.

W. E. SHINN, *Recorder*.

(Suggest: James H. Van Ausdal as committeeman.)

On behalf of the city of Muldrow, Ind. T.:

J. H. BOWERS, *Mayor*.
J. F. FOX, M. D.,
J. W. WEAVER,
J. M. RALEY,
Members of Town Council.

On behalf of the city of Fort Gibson, Ind. T.:

A. R. MATHESON,
Recorder and Acting Mayor.
M. V. BEN,
Town Marshal.
C. H. SHAFFER,
P. L. PYLE,
J. F. HAAS,
E. P. WHITE,
J. C. BIRD,
Members of Town Council.

Petition.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned ministers of the gospel of Indian Territory, humbly and respectfully represent that the present statutes of the United States forbidding the alienation of lands in the Indian Territory, except with the approval of the Interior Department, has been proven by actual experience to be most injurious to the interests of the allottees of this country as well as to the citizens of the United States here resident.

The allottees, in many instances relying upon the sale of a portion of their land, have incurred indebtedness which is exercising a crushing effect upon them. Practically the law authorizing them to sell a portion of their surplus has proven to be a mockery, as the rules are so complicated and difficult of observance that the sale of any substantial piece of land is impossible. The actual settlers have been prevented acquiring property here under the law, and very large amounts of money sent to this country for investment have been withdrawn. This has resulted most injuriously to every interest, including the building of churches and the maintenance of church schools.

We honor the motive which has inspired the Government, believing that the purpose was to defend the incompetent Indian. It is very natural to suppose that Indian Territory is full of Indians, and that the Indian is an uncivilized and unenlightened man. This is far from being true. Even the full-blood Indians of Indian Territory have had school advantages for half a century, many of them are educated, and, because of their experience, a great body of them are intelligent people, all having been self-supporting all of their lives without aid from the Government. There is probably not over 15 or 20 per cent among the allottees who could be called full bloods, and a great body of the allottees of Indian Territory are as intelligent as the people of the

States surrounding this country. They are as competent to handle and transact their own business. The idea that the Indian citizen is an innocent victim of the rapacity and craft of the white race in Indian Territory is ludicrous to those familiar with both classes. It is practically impossible to tell the allottees on the street from those who are not allottees; their attire, manner, speech, habit, education, and abilities are substantially the same.

We humbly represent that it is for the better interest of the allottee as well as for the interest of every civilized agency in Indian Territory that the same freedom of transacting business should prevail in this country as in the other States of the Union.

With sentiments of profound respect, we have the honor to be, your humble and obedient servants.

The above petition is signed by the following ministers of the gospel: J. A. Ogle, J. R. Rowell, C. H. Mayfield, T. A. Bryant, D. N. Allen, J. W. Brown, N. B. Fizer, G. Lee Phelps, I. T. Crenshaw, L. P. Hamilton, I. M. Carter, R. C. Cummings, W. M. Tucker, W. W. Nation, S. L. Ferrier, J. C. Baird, Merchant S. Riddle, John S. Mains, J. C. Atchley, William Clapham, W. N. Noland, N. G. Smith.

Petition.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned residents of Indian Territory, humbly and respectfully represent that the present statutes of the United States, forbidding the alienation of lands in the Indian Territory, except with the approval of the Interior Department, has been proven by actual experience to be most injurious to the interests of the allottees of this country as well as to the citizens of the United States here resident.

The allottees, in many instances relying upon the sale of a portion of their land, have incurred indebtedness which is exercising a crushing effect upon them. Practically, the law authorizing them to sell a portion of their surplus has proven to be a mockery, as the rules are so complicated and difficult of observance that the sale of any substantial piece of land is impossible. The actual settlers have been prevented acquiring property here under the law, and very large amounts of money sent to this country for investment have been withdrawn. This has resulted most injuriously to every interest, including the building of churches and the maintenance of church schools.

We honor the motive which has inspired the Government, believing that the purpose was to defend the incompetent Indian. It is very natural to suppose that Indian Territory is full of Indians, and that the Indian is an uncivilized and unenlightened man. This is far from being true. Even the full-blood Indians of Indian Territory have had school advantages for half a century, many of them are educated, and because of their experience a great body of them are intelligent people, all having been self-supporting all of their lives, without aid from the Government. There is probably not over 15 or 20 per cent among the allottees who could be called fullbloods, and a great body of the allottees of Indian Territory are as intelligent as the people of

the States surrounding this country. They are as competent to handle and transact their own business. The idea that the Indian citizen is an innocent victim of the rapacity and craft of the white race in Indian Territory is ludicrous to those familiar with both classes. It is practically impossible to tell the allottees on the street from those who are not allottees; their attire, manner, speech, habit, education, and abilities are substantially the same.

We humbly represent that it is for the better interest of the allottee, as well as for the interest of every civilized agency in Indian Territory, that the same freedom of transacting business should prevail in this country as in the other States of the Union.

With sentiments of profound respect, we have the honor to be, your humble and obedient servants,

J. H. Branscum, P. C. Brannon, J. R. Rash, D. C. Kagle,
N. W. Sockey, A Citizen of C. H., T. A. Cagle, farmer,
R. N. Moon, Harriet E. Moon, P. M., J. H. Lewis,
M. D., A. J. Barton, merchant, J. G. Barton, W. E.
Emerson, J. M. Hickey, G. Askett, W. F. Pointer, J.
C. Theadgill, P. L. Emerson, M. L. Keffer, J. A.
Barton, J. E. Deaton, Joe Wood, B. W. Cagle.

Petition.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned officers Welch Republican Club, humbly and respectfully represent that the present statutes of the United States forbidding the alienation of lands in the Indian Territory, except with the approval of the Interior Department, has been proven by actual experience to be most injurious to the interests of the allottees of this country as well as to the citizens of the United States here resident.

The allottees, in many instances, relying upon the sale of a portion of their land, have incurred indebtedness which is exercising a crushing effect upon them. Practically, the law authorizing them to sell a portion of their surplus has proven to be a mockery, as the rules are so complicated and difficult of observance that the sale of any substantial piece of land is impossible. The actual settlers have been prevented acquiring property here under the law, and very large amounts of money sent to this country for investment have been withdrawn. This has resulted most injuriously to every interest, including the building of churches and the maintenance of church schools.

We honor the motive which has inspired the Government, believing that the purpose was to defend the incompetent Indian. It is very natural to suppose that Indian Territory is full of Indians, and that the Indian is an uncivilized and unenlightened man. This is far from being true. Even the full-blood Indians of Indian Territory have had school advantages for half a century; many of them are educated, and because of their experience a great body of them are intelligent people, all having been self-supporting all of their lives, without aid from the Government. There is probably not over 15 or 20 per cent among the allottees who could be called full-bloods, and a great body of the allottees of Indian Territory are as intelligent as the people of the

States surrounding this country. They are as competent to handle and transact their own business. The idea that the Indian citizen is an innocent victim of the rapacity and craft of the white race in Indian Territory is ludicrous to those familiar with both classes. It is practically impossible to tell the allottees on the street from those who are not allottees; their attire, manner, speech, habit, education, and abilities are substantially the same.

We humbly represent that it is for the better interest of the allottee as well as for the interest of every civilized agency in Indian Territory that the same freedom of transacting business should prevail in this country as in the other States of the Union.

With sentiments of profound respect, we have the honor to be,

Your humble and obedient servants,

J. A. MILLS, *President.*

B. G. ILIFF, *Vice-President.*

F. D. PELSUE, *Secretary.*

J. N. ILIFF, *Treasurer.*

Newspaper clippings.

Remove the restrictions and a stable form of government would make the Indian Territory blossom as a rose.—[Claremore Progress.]

With the restrictions removed from the sale of Creek lands, Checotah and every other town in the nation will take on a more substantial growth than they have ever enjoyed before.—[Checotah Enquirer.]

Tahlequah should send up its indorsement of the Little bill. This bill provides for the removal of restrictions on the sale of Cherokee allotments, and should it become a law it would be a great thing for Tahlequah and the surrounding country.—[Tahlequah Arrow.]

The Journal has contended from the first that the restrictions on the sale of lands in the Indian Territory should be removed. It has contended all the time that they could be removed if a general demand were made, and has called on the press of the Territory to keep the question continually before the public.—[Indian Journal.]

The Indians of the Territory are getting sick and tired of the pretense of the Secretary of the Interior that he is compelled to shield them to prevent their being robbed by white men. They say they want to manage their own property in their own way, and they should be permitted to do it.—[Denison Herald.]

An exchange, which favors legislation permitting the Indian to sell his lands without restrictions, published the following:

Only twenty-nine tracts of Creek lands are advertised per week, and not all of them sold. Mathematicians have figured it out that one hundred and thirty years from now all Creek land will be out of the Department's hands.

This is the same fate as stares the Choctaw and Chickasaw nations in the face if Hitchcock is given the approval power he seeks.—[Vinita Republican.]

The Choctaw and Chickasaw Indians will fight any proposition that will necessitate the sale or lease of their lands passing through the hands of the Secretary of the Interior for approval. "We have profited by the example of the lease system in the Creek and Seminole nations and we want none of it," said a prominent Indian yesterday.

"We want to handle our lands ourselves and avoid all the red tape and consequent delay incident to getting everything approved in Washington. The delay necessitated by the approval of the Secretary of the Interior would mean a hardship to many. Besides, we are able to transact our own business." It is likely that a special session of the tribal councils will be called and a resolution passed asking the Secretary to keep his hands off the Indian land matters.—[Chickasaw Telegram.]

The sale of Creek lands is being hindered not for the want of purchasers but for the want of Government appraisers. We are informed that there is but one man doing this work. It is impossible for one man to get all over the Creek Nation and personally appraise widely separated tracts of lands. The niggardly policy of the Government is doing us great hurt. The same sort of mistake has been made regarding the town-site commissions. They are idle for want of funds. Meantime the car of civilization is blocked by the law's delay. It's a blunder so serious that it is almost a crime.—[Vinita Leader.]

The progressive people of the Indian Territory, Indians as well as whites, are being aroused to action against the methods of Secretary Hitchcock in retarding progress in this country, much to the detriment of all classes, especially the Indians, who wish to dispose of their surplus lands as they see fit, believing they are sufficiently intelligent to manage their own business. Secretary Hitchcock may mean well, but, if so, must be woefully ignorant of needs and requirements in this Territory. It is hoped that he may pay some attention to the united force of a people asking for relief from tyrannical restrictions of their rights.—[Fort Gibson Post.]

In advocating the removal of the restrictions from the sale of Indian lands the Journal has voiced the sentiments of the most progressive class in this Territory, including the leading members of the various Indian tribes. A few Indians, and only a few, oppose the removal of the restrictions. Some of these undoubtedly are not sincere; they think to make political capital out of opposition. Such well-known Indians as Robert L. Owen, A. P. McKellop, and others who have the courage of their convictions, have committed themselves to the progressive policy and are working to bring about a condition of affairs in which the owners of the soil can dispose of it as they see fit without needless expense or delay. Existing conditions in Indian Territory imperatively demand the removal of the restrictions from the sale of lands. Congress will accede to this demand, notwithstanding the opposition of Hitchcock and the pullbacks.—[Okemah Journal.]

They thought they were selling land down in the Creek Nation, but if reports are to be believed they are not. Out of forty tracts advertised only four were sold. The new rules are proving too cumbersome and are against the real investor, who has not the time to put in a bid upon a piece of land and wait until the bids are opened sixty days later, and then to be knocked out of the purchase of the same, even if he be the highest bidder, for reasons of it not being appraised, and if appraised, being below the appraised value. After all, if he is fortunate enough to meet all of these requirements, he has no assurance that the purchase will be approved by the Secretary of the Interior. The homeseeker comes with the money and, when he sees the piece of land or community he wants to locate in, he wants to do business at once, and not wait for the red-tape process laid down by the

Interior Department. Remove the restrictions and give the owner of the land a chance to realize the best price he can for his land, and at the same time give the home builder a chance.—[Claremore Progress.]

Congressman Little, of Arkansas, has now introduced a bill in Congress meeting the requirements of the case. The bill provides that all restrictions be removed from the sale of lands belonging to white adopted citizens, freedmen, and Indians of not more than half blood. The bill provides that Indians of more than half blood can sell their allotments by application to the Federal court in the district in which the land is located.

This bill should become a law. If no other Indian legislation is asked for at this session of Congress it doubtless will become a law. The trouble is there will be too many bills relating to Indian Territory introduced. The more bills containing Indian Territory legislation there are introduced at this session of Congress the less chance there is for any of them to be enacted into law.

Again, a great many bills are simply introduced for effect, with no intention that they will ever be heard of after they have been referred to the proper committee.

In the opinion of the Journal this bill providing for the removal of the restrictions from the sale of lands in this Territory is of paramount importance. It is more important than statehood or the question of granting representation to the Territory at this time. If the bill was introduced in good faith, it can be passed at this session of Congress. The Arkansas, Texas, and Kansas delegations will support the measure and will crowd it through the committee rooms if they are asked to do so. Nearly all the leading Indians of all the tribes are in favor of this bill. Robert L. Owens, A. P. McKellop, and other prominent Indians have committed themselves to this policy. Porter will probably pretend to oppose it, but it will be a passive opposition. The bill can be passed if the people demand it and center their energies in support of the measure, instead of scattering them in trying to support numerous other measures of less importance.—[Okeemah Journal.]

Anyone traveling through the Indian Territory can not but think that there is something radically wrong. Especially is this the case if one passes through the Indian Territory and Oklahoma. The contrast is marked. On the Indian Territory side there are thrifty towns, but no cities such as one finds in Oklahoma—no marts of trade such as Oklahoma City or Shawnee are. On this side the farmhouses are small, most of them unpainted, and widely apart. In Oklahoma the houses are larger, neatly built, and a house on every quarter section, often on an eighty. There is a reason for this contrast, and it does not take long to find it. In Oklahoma warranty deeds are given, here they are not. In Oklahoma nearly every farmer owns his farm, here the contrary is the rule. Ownership makes the land blossom as a rose; tenantry holds the country back. Ireland is an example of this. What's the remedy? Why, remove the restrictions against the sale of lands. Let every Indian sell his land, his homestead excepted. Our land is better than that of Oklahoma.

Under the same system of ownership it would produce more; sustain a larger volume of trade. As things are going now, our towns are developing faster than the country. This is unhealthy, and unless there is a change, a reaction will come which will set us back. This

is not necessary. It can be easily avoided. Just now the Creek leaders are inaugurating a hot campaign in favor of the removal of the restrictions. They are making some progress. In this matter the Cherokees should wheel into line and help them. We need the same good things that they need, only being further advanced with allotment they realize it more keenly. It would be better for us not to wait, but to strike now for this American liberty. The Indians are now citizens of the United States. Why not let them have a citizen's privileges, then? Who is there that will say the Cherokee people are not able to take care of their own?

While there may have been corruption in their public affairs, they have been diligent enough in taking care of their private concerns. Many of them have amassed wealth, and most of them have a competence. The fact that land sharks and a lot of tricksters are in favor of this movement should not prove fatal to it. There are always camp followers in every army whose object is gain, but an army is not disbanded because of this. And who knows but that in this case they are patriotic for once in their lives? Right is right because it is right, and not because this one or that champions it or opposes it. The Leader believes that the quick salvation of this country depends upon the successful outcome of this fight for the removal of the restrictions. If they are not removed, we shall go forward as a man who drags a ball and chain; if they are removed, we shall make haste as a strong man stripped to run a race.—[Vinita Leader.]

Petition suggested by the South McAlester Convention, November 5, 1903.

Whereas there is at present no legal way by which the great majority of the residents of the Indian Territory can take the necessary steps to provide a system of elementary schools for their children, and in consequence there is a very large and rapidly increasing class of illiterate persons who are likely to become, in many instances, a menace to the welfare of whatever Commonwealth may eventually have jurisdiction over this Territory, and especially to the Indian citizens in the rural districts; and

Whereas the recently made treaties between the Government of the United States and the Five Civilized Tribes make it possible that the existing Indian school systems will come to an end before steps can be taken to provide any other system to take their place, thus throwing the whole population of this Territory into a condition of appalling and unprecedented educational destitution: Therefore

We, the undersigned residents of the Indian Territory, do respectfully and most earnestly petition the House of Representatives and Senate of the United States in Congress assembled to take immediate steps to prevent the discontinuance of the existing systems of Indian schools until some other system has been put into operation in such a way as to make provision for those now depending upon them, and also to give the non-Indian residents of the Indian Territory the power to erect a system of schools for themselves at as early a date as possible, and during the interval which must elapse before that can be accomplished to make the best temporary provision that can be devised

for the hundred thousand or more of children who are absolutely without school privileges, making such appropriations as may be necessary for this purpose.

(Signed by over 1,300 citizens from about 40 towns and rural districts).

Court of appeals sustains Judge Raymond's opinion.—His decision in the guardianship matter was affirmed at South McAlester yesterday—important matter.

At the meeting of the court of appeals at South McAlester yesterday the decision of Judge Raymond in the guardianship case of the Indian Land and Trust Company *v. J. Blair Shoenfelt*, Indian agent, et al., was affirmed, as forecasted by this paper. The full text of the decision follows:

OPINION.

On the 7th day of August, 1903, the appellant filed a bill in equity in the United States court for the western district of the Indian Territory against the appellees to enjoin the United States Indian agent from attempting to interfere with its possession of the land described in the complaint. The appellant was in possession of the premises under a contract entered into on the 30th day of August, 1902, between itself and Samantha Barnett, the mother, and Luke Evans, the step-father, of Sally Hodge, a minor, and a Creek Indian, whose father was dead at that time. Said land was leased for agricultural purposes for a term of five years from the 1st day of January, 1903. A general demurrer was interposed by the defendants, appellees here, which was sustained by the court, and the bill dismissed for want of equity. From action of the court this appeal is taken.

There are two questions presented in this case. They are—

First. Has the natural guardian of a minor Creek Indian in the Creek Nation the power to lease the land of his ward without first having obtained an order of court for that purpose? And,

Second. Has the Indian agent, acting under the authority of the Secretary of the Interior, the power to remove from the lands so leased the lessee and put the minor allottee in possession?

It is conceded that at the common law the lands of a minor can not be leased by the natural guardian without first having obtained the order of a court. By that law the natural guardian has jurisdiction only of the person of the ward. (*May v. Calder*, 2 Mass., 55; *Anderson v. Darbey*, 1 Nott and M., 369; *Ross v. Bobb*, Yerg., 463.)

A general guardian at common law, however, having been appointed by the court and having given bond, may lease his ward's land without the order of the court.

At the time of the adoption and ratification of the Creek agreement and the supplemental agreement the law in force in the Creek Nation in this respect was contained in chapter 73 of Mansfield's Digest, entitled "Guardians, curators, and wards." And it is provided by section 3465 that—

In all cases not otherwise provided for by law, the father while living, and after his death, or when there shall be no lawful father, then the mother, if living, shall be the natural guardian of their children, and have the custody and care of their

persons, education, and estates; and when such estate is not derived from the person acting as guardian, such parent shall give security and account as other guardians.

The sections of the statute relating to the leasing of lands by guardians, either natural or general, are as follows:

3498. When any minor shall be the owner of any improved lands, it shall be the duty of the guardian of such minor, annually, to rent such lands to the highest bidder, giving ten days previous public notice of the time and place of renting the same.

3499. The guardian shall take bond and security for the payment of the rent and that the tenant will not commit waste on the demised premises.

3500. If any ward be the owner of wild or unimproved lands, not connected with any cultivated or improved tract belonging to such ward, the guardian may, under the advice and direction of the court, let out such unimproved lands on improvement leases, not to exceed more than two years beyond the majority of such ward.

3502. The probate court shall order the proper education of minors, according to their means, and for that purpose may from time to time make the necessary appropriations of the money or personal estate of any minor, and when the personal estate shall be insufficient or not applicable to the object, upon application the court may order the lease or sale of real estate, or so much thereof as may be requisite, or that the same be mortgaged for not less than two-thirds of its real value, to raise the funds necessary to complete the education of such minor.

3509. When it shall appear that it would be for the benefit of a ward that his real estate or any part thereof be sold or leased and the proceeds put on interest or invested in productive stocks or in other real estate, his guardian or curator may sell or lease the same accordingly upon obtaining an order for such sale or lease from the court of probate of the county in which such real estate or the greater part thereof shall be situate.

3510. To obtain such order, the guardian or curator shall present to the court a petition setting forth the condition of the estate, and the facts and circumstances on which the petition is founded.

3511. If, after a full examination on the oath of creditable and disinterested witnesses, it appears to the court that it would be for the benefit of the ward that the real estate or any part of it should be sold or leased, the court may make an appropriate order for such sale or lease, under such regulations and conditions, subject to the provisions of this chapter in relation to the sale of real estate of minors, as the court shall consider suited to the case, requiring the guardian or curator to enter into good and sufficient bonds to make such leases and conduct such sales with fidelity to the interests of his ward, and faithfully to account for the proceeds of such sales and leases according to law and as the order of the court may require.

By section 3498, stated above, if that section stood alone, it would appear that a guardian might lease without an order of the court; but when the other sections above set out are considered it seems clear that no guardian, under that statute, can lease his ward's land without an order of the court; and this is conceded by appellant's counsel. The only question on this branch of the case then is, has the Creek agreement and supplemental agreement, since enacted, so far repealed or modified the statute as to relieve the natural guardian from this duty of applying to and obtaining an order of the court before leasing his ward's lands in the Creek Nation?

Section 35 of the Creek agreement (31 Stat. L., 871) provides:

Parents shall be the natural guardians of their children, and shall act for them as such unless a guardian shall have been appointed by a court having jurisdiction, and parents so acting shall not be required to give bond as guardians unless by order of such court, but they and all other persons having charge of lands, moneys, and other property belonging to minors and other incompetents shall be required to make proper accounting therefor in the court having jurisdiction thereof in manner deemed necessary for the preservation of such estates.

The appellant contends that this section of the agreement so far modifies and repeals the provisions of Mansfield's Digest above set out as to relieve natural guardians from the duty of applying to the court and securing from it an order for leasing lands. But upon a careful read-

ing of the section and comparing it with the provisions of Mansfield's Digest, it will be seen that the only modification of the then existing law as set out in Mansfield's Digest is that a natural guardian may, in the discretion of the court, administer the estate without executing bond. In all other particulars his duties are as they were before the enactment of the agreement, and among these the duty of the natural guardian to submit himself to the jurisdiction of the court, to act under its direction, and procure its orders before leasing the lands of his ward remains unrepealed. And therefore, in this case, the lands having been leased by the natural guardian without any direction or order of the court having been asked for or granted and no confirmation or ratification of the act of the guardian having been had by the court, the lease is void and was "not obtained in conformity to law."

The power of the Secretary of the Interior, acting through his Indian agent, to remove the lessee from the lands so leased seems to us to be clearly granted by the 19th section of the Supplemental Creek Agreement, approved June 30, 1902 (32 Stat. L., 504). It is as follows:

The Secretary of the Interior shall, through the United States Indian agent in said Territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him, and when any citizen shall thereafter make selection of his allotment as herein provided and receive certificate therefor he shall be immediately thereupon so placed in possession of his land, and during the continuance of the tribal government the Secretary of the Interior, through such Indian agent, shall protect the allottee in his right to possession against any and all persons claiming under any lease, agreement, or conveyance not obtained in conformity of law.

The tribal government of the Creek Nation is still in existence. The minor in this case has been put in possession of his allotment, and the appellant has taken possession under a "lease not obtained in conformity to law." The provisions of the agreement impose the duty upon the Secretary of the Interior to keep the allotment clear from all such intrusion. He is to put the allottee in possession, remove all persons objectionable to him, and, until the extinction of the tribal government, he is to "protect the allottee in his right of possession against any and all persons claiming under a lease not obtained in conformity to law." And as we have held that the appellant is claiming to hold under such a lease, the Secretary of the Interior may lawfully, and it is his duty to, put him off. It is the only way he can exercise his power and perform the duty imposed on him by the agreement.

The judgment of the court below is affirmed.

[The Phoenix has been officially designated by the honorable United States Commissioner of Indian Affairs of the Department of the Interior as the official organ in which all notices for the sale of Creek lands shall be published. Below is the complete list of land in the Creek Nation offered for sale to date.]

PUBLIC NOTICE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T.

To whom it may concern:

Whereas the following-described lands in the Creek Nation, Indian Territory, have been listed for sale by the allottees named, notice is

hereby given that sealed bids will be received therefor at this agency on each particular tract of land described until the date when said bids are to be opened, which said date is given below.

List of petitions to sell Creek lands under regulations of July 10, 1903.

[Listed for sale December 28, 1903. Bids will be opened February 26, 1904.]

595. Douglass Manuel, Boynton: East half and east half of west half of southwest quarter of section 21, township 14 north, range 16 east. 120 acres.
597. Minnie Dean Thompson: West half of southeast quarter of section 21, township 14 north, range 17 east. 80 acres.
598. Willie Smith, Muscogee: Southeast quarter of northwest quarter of section 4, township 8 north, range 8 east. 40 acres.
599. Bettie Scott, Eufaula: West half of southwest quarter of section 16, township 11 north, range 10 east. 80 acres.
600. Joseph Morrison, Tallahassee: West half of northwest quarter and northeast quarter of northwest quarter of section 24, township 19 north, range 17 east. 120 acres.
601. Susan Harrison Garrett: East half of southwest quarter and southwest quarter of southwest quarter of section 9, township 19 north, range 15 east. 120 acres.
602. George F. Robison, Weleetka: East half of southwest quarter and northwest quarter of southwest quarter of section 5, township 10 north, range 10 east. 120 acres.
603. Coge Tiger, Holdenville: West half of southwest quarter and northeast quarter of southwest quarter of section 33, township 8 north, range 10 east. 120 acres.
604. Dave Tiger, Holdenville: East half of southeast quarter and southwest quarter of southeast quarter of section 33, township 8 north, range 10 east. 120 acres.
605. Nellie Proctor, Holdenville: Southwest quarter of southeast quarter of section 8, township 7 north, range 9 east. 40 acres.
606. Katie Perryman, née Sharlin: South half of southeast quarter of section 7, township 19 north, range 7 east. 80 acres.
607. Martha Anderson, Holdenville: East half of northwest quarter of section 27, township 7 north, range 8 east. 80 acres.
608. Ketch Canard, Muscogee: West half of southwest quarter of section 28, township 12 north, range 14 east. 80 acres.
609. Elijah L. Fife, Eufaula: East half of northwest quarter and lot 1 of section 19, township 13 north, range 17 east. 120.47 acres.
610. Alex Murrell: Northwest quarter of northwest quarter and northeast quarter of northwest quarter of section 9, township 19 north, range 13 east. 80 acres.
611. Caddo Wadsworth, Checotah: Southwest quarter of southeast quarter and east half of southeast quarter of southwest quarter of section 8, township 10 north, range 17 east. 60 acres.
612. Joe Deer, Okemah: West half of southwest quarter of section 1, township 12 north, range 9 east. 80 acres.
613. John Bigpond, Bristow: East half of southeast quarter and northwest quarter of southeast quarter of section 11, township 15 north, range 9 east. 120 acres.
614. Wilson Brown, Muscogee: East half of northwest quarter and northeast quarter of southwest quarter of section 21, township 9 north, range 15 east. 120 acres.
615. Fannie Tucker, Muscogee: West half of southwest quarter and south half of southeast quarter of southwest quarter of section 13, township 14 north, range 11 east. 100 acres.
616. Henry Colbert, Muscogee: West half of northwest quarter of section 9, township 17 north, range 17 east. 80 acres.
617. Silas Thompson, Muscogee: North half of northeast quarter of section 10, township 14 north, range 17 east. 80 acres.
618. George Roe, Sawokla: Southeast quarter of southeast quarter of section 13, township 11 north, range 12 east. 40 acres.
619. George H. Taylor, Muscogee: East half of southeast quarter of southwest quarter, less 2.05 acres right of way St. L. & S. F. R. R., section 32, township 19 north, range 12 east. 17.95 acres.

[Listed for sale January 4, 1904. Bids will be opened March 4, 1904.]

620. James Spaniard, Holdenville: South half of northwest quarter of section 23, township 7 north, range 11 east. 80 acres.
621. Lester C. Hardridge, Tallahassee: West half of northwest quarter and southeast quarter of northwest quarter of section 23, township 14 north, range 17 east. 120 acres.

622. George Marshall, Coweta: Southeast quarter of southwest quarter of section 21, and east half of northwest quarter of section 28, township 17 north, range 17 east. 120 acres.
623. Levi Mitchell, Beggs: North half of northwest quarter of section 32, township 14 north, range 10 east. 80 acres.
624. Rosanna McGilbray Washington, Muskogee: Southeast quarter of northeast quarter of section 7, and southwest quarter of northwest quarter, less 3.17 acres occupied as right of way St. L., O. & S. R. R., of section 8, township 13 north, range 13 east.
625. Silas Dean, Muskogee: Northwest quarter of southwest quarter and east half of southwest quarter of section 28, township 14 north, range 17 east. 120 acres.
626. Kittie Manuel, Twine: West half of northeast quarter of section 14, township 13 north, range 11 east. 80 acres.
627. Cornelius Manuel, Boynton: North half of northeast quarter of section 10, township 13 north, range 11 east. 80 acres.
628. Summer Vann, Choska: Northeast quarter and south half of northwest quarter of section 22, township 19 north, range 15 east. 120 acres.
629. Nellie Johnson: South half of northeast quarter and northeast quarter of northwest quarter of section 32, township 19 north, range 18 east. 120 acres.
630. Wattie Morrison, Lenna: South half of northwest quarter of section 22, township 18 north, range 12 east. 80 acres.
631. Jane Norfer, Coweta: North half of northwest quarter of section 14, township 18 north, range 15 east. 80 acres.
632. Cora Olden, Holdenville: East half of southeast quarter of section 1, township 7 north, range 9 east. 80 acres.
633. Jessie Parker, née Carey: Lots 3 and 4 of section 3, township 11 north, range 17 east, and southwest quarter of southeast quarter of section 34, township 12 north, range 17 east. 119.75 acres.
634. Martha Tiger, Tallahassee: West half of southwest quarter and northeast quarter of southwest quarter of section 4, township 18 north, range 18 east. 120 acres.
635. Robert Lewis, Turner: East half of southwest quarter and northwest quarter of southwest quarter of section 21, township 19 north, range 17 east. 120 acres.
636. Budkin Marshall, Wagoner: East half of northeast quarter of section 26, township 18 north, range 18 east. 80 acres.
637. Ellen Thompson Marshall, Wagoner: West half of northeast quarter of section 26, township 18 north, range 18 east. 80 acres.
638. Sam McQueen, Muskogee: South half of northwest quarter of section 34, township 14 north, range 18 east. 80 acres.
639. Jimmie Culler, Holdenville: Northeast quarter of southwest quarter of section 12, township 8 north, range 8 east. 40 acres.
640. Hattie Perryman, Wybark: Southeast quarter of northeast quarter of section 2, township 19 north, range 13 east, and east half of northwest quarter of section 29, township 19 north, range 14 east. 120 acres.
641. Martha Sookey, Tallahassee: South half of southeast quarter of section 4, township 19 north, range 17 east. 80 acres.
642. Johnson Phillips, Eufaula: Northwest quarter of southeast quarter of section 20, township 13 north, range 9 east. 40 acres.
643. Alex Sango, Muskogee: Northeast quarter of northwest quarter of section 23, township 15 north, range 18 east. 40 acres.
644. Alex Sango, Muskogee: Southwest quarter of northeast quarter of section 21, township 19 north, range 12 east. 40 acres.

[Listed for sale January 11, 1904. Bids will be opened March 11, 1904.]

645. Wardley Goat, Holdenville: Northwest quarter of southwest quarter and north half of southwest quarter of southwest quarter of section 25, township 7 north, range 8 east. 60 acres.
646. Cornelia Williams, Wetumka: West half of northwest quarter of section 22, township 9 north, range 8 east. 80 acres.
647. Ellen Watson, Checotah: South half of southeast quarter of section 33, township 11 north, range 17 east. 80 acres.
648. Fred Scott, Morris: West half of northeast quarter of section 15, township 13 north, range 14 east. 80 acres.
649. Robert F. Johnson, Broken Arrow: North half of northeast quarter of section 31, township 18 north, range 15 east. 80 acres.
650. Johnson Reed, Muskogee: East half of northwest quarter and southwest quarter of northwest quarter of section 28, township 8 north, range 9 east. 120 acres.

651. Minnie Peters, now Yokley, Muscogee: Southwest quarter of southeast quarter of section 16, township 14 north, range 15 east. 40 acres.

652. Laura Evans, Oktaha: West half of northeast quarter and southeast quarter of northeast quarter of section 8, township 14 north, range 18 east. 120 acres.

653. Belle Flynn, Muscogee: South half of southeast quarter of section 20, and northeast quarter of northwest quarter of section 29, township 14 north, range 12 east. 120 acres.

654. Martha Sampson Scott, Okmulgee: East half of northwest quarter and lot 1 of section 30, township 13 north, range 15 east. 120.06 acres.

655. Edward L. Schrimsher, Wagoner: East half of southwest quarter of section 12, township 17 north, range 18 east. 80 acres.

656. Edward L. Schrimsher, Wagoner: Southwest quarter of southwest quarter of section 12, township 17 north, range 18 east. 40 acres.

657. Hager Bell, Muscogee: Southwest quarter of northeast quarter and lot 2 of section 1, township 14 north, range 13 east. 79.98 acres.

658. John H. Lewis, Wybark: West half of southwest quarter of section 8, township 18 north, range 16 east. 80 acres.

659. Isaac Johnson, Wybark: West half of northwest quarter of section 12, township 18 north, range 14 east. 80 acres.

660. Nero Nevins, Yeager: Northwest quarter of northwest quarter of section 36, township 8 north, range 9 east. 40 acres.

661. Nero Nevins, Yeager: Northeast quarter of northwest quarter of section 36, township 8 north, range 9 east. 40 acres.

662. Amanda Hall, Woodward: North half of southwest quarter and north half of southeast quarter of southwest quarter of section 24, township 18 north, range 15 east. 100 acres.

663. Dick Luckey, Broken Arrow: Lot 1 of section 1, township 18 north, range 15 east. 40.12 acres.

664. Lou Critty Henderson Bruner, Muscogee: East half of northwest quarter and southwest quarter of northwest quarter of section 28, township 19 north, range 18 east. 120 acres.

665. Edward Gibson, Muscogee: Southwest quarter of southwest quarter of section 33, township 15 north, range 18 east. 40 acres.

666. Bessie Charles, nee Cherry: Southeast quarter of northwest quarter and lots 3 and 4 of section 2, township 14 north, range 18 east, less Muscogee Southern R. R. right of way.

667. Maria Jackson, Clarksville: East half of southwest quarter of section 18, township 17 north, range 18 east. 80 acres.

668. Tilda Lewis, Muscogee: West half of northwest quarter of section 13, township 14 north, range 16 east. 80 acres.

669. Joe Nevins, Muscogee: West half of southeast quarter of section 27, township 7 north, range 10 east. 80 acres.

[Lands listed for sale January 18, 1904. Bids will be opened March 18, 1904.]

670. Wattey Jones, nee Yahola: West half of southeast quarter and northeast quarter of southeast quarter of section 27, township 14 north, range 18 east. 120 acres.

671. Grant Perryman, Twine: West half of northeast quarter of section 24, township 15 north, range 16 east. 80 acres.

672. James Aultman, Checotah: South half of southwest quarter of section 4, township 13 north, range 15 east. 80 acres.

673. Lurena Jones, Wagoner: East half of northeast quarter of section 11, township 19 north, range 17 east. 80 acres.

674. Shadrick McIntosh, Coweta: Southeast quarter of northwest quarter and lots 3 and 4 of section 3, township 17 north, range 16 east. 122.43 acres.

675. Sallie Marshall, Tallahassee: Northwest quarter of southeast quarter and north half of southwest quarter of southeast quarter; southwest quarter of southwest quarter of southeast quarter and north half of southeast quarter of southwest quarter of southeast quarter of section 11, township 18 north, range 18 east. 75 acres.

676. Victoria Sherman, Muscogee: East half of northwest quarter and southwest quarter of northwest quarter of section 34, township 14 north, range 17 east. 120 acres.

677. Harry Sugar: West half of northeast quarter and southeast quarter of northeast quarter of section 23, township 17 north, range 16 east. 120 acres.

678. Matthew Snowden, Checotah: East half of southwest quarter and northwest quarter of southwest quarter of section 10, township 12 north, range 16 east. 120 acres.

679. Willie Marshall, Tallahassee: Southeast quarter of southeast quarter of section 28, township 19 north, range 17 east. 40 acres.
680. Jim Tucker, Sawokla: East half of southeast quarter and northwest quarter of southeast quarter of section 5, township 15 north, range 15 east. 120 acres.
681. Willie Marshall, Tallahassee: Northeast quarter of northeast quarter of section 28, township 19 north, range 17 east. 40 acres.
682. Willie Marshall, Tallahassee: Southeast quarter of southeast quarter of section 34, township 19 north, range 17 east. 40 acres.
683. Bob Roberson, Twine: Northeast quarter of northwest quarter of section 27, township 12 north, range 15 east. 40 acres.
684. Eddie Grayson, Muscogee: South half of northeast quarter and southwest quarter of northwest quarter of section 4, township 15 north, range 10 east. 120 acres.
685. Jake Bruner, Clarksville: Southwest quarter of northwest quarter of section 35, township 16 north, range 17 east. 40 acres.
686. Martin Simmons, Muscogee: West half of northeast quarter of section 27, township 14 north, range 18 east. 80 acres.
687. Tena Rentie, Lee: Lot 2 and southwest quarter of northeast quarter of section 1, township 13 north, range 14 east. 80.20 acres.
688. Ab Perryman, Sapulpa: East half of northeast quarter and northwest quarter of northeast quarter of section 36, township 19 north, range 12 east. 120 acres.
689. Johnson Martin: North half of northeast quarter of section 34, township 18 north, range 15 east. 80 acres.
690. Gracie Brown, Clarksville: Southeast quarter of southeast quarter and lot 5 of section 18, township 17 north, range 14 east. 69.75 acres.
691. Robert Davis, Wagoner: East half of northeast quarter and northwest quarter of northeast quarter of section 33, township 18 north, range 18 east. 120 acres.
692. Charles Barnett, Eufaula: East half of southwest quarter and northwest quarter and lots 2, 5, 8, and 9, section 3, township 8 north, range 15 east. 115.54 acres.
693. Thomas Barnett, Wetumka: East half of southwest quarter of section 24, township 19 north, range 10 east. 80 acres.
694. Evaline Duff, Okmulgee: East half of northeast quarter and southwest quarter of northeast quarter of section 24, township 17 north, range 12 east. 120 acres.

[Listed for sale January 25, 1904. Bids will be opened March 25, 1904.]

696. Ben Grayson, Gatesville: East half of southeast quarter of section 1, township 13 north, range 17 east, less 6.63 acres, right of way, M., K. & T. Ry. 74.37 acres.
697. Sam Berryhill, Okemah: East half of southwest quarter and east half of west half of southwest quarter of section 26, township 11 north, range 9 east. 120 acres.
698. Caesar Holmes: North half of northeast quarter of section 21, township 14 north, range 9 east. 80 acres.
699. Irving King, Muscogee: Northwest quarter of southeast quarter of section 5, township 13 north, range 17 east. 40 acres.
700. Millie Vann, Sawokla: South half of northeast quarter of section 9, township 16 north, range 15 east. 80 acres.
701. Mattie Pierce: Lot 4 and southeast quarter of southwest quarter of section 19, township 14 north, range 17 east. 78.17 acres.
702. Douglass Perryman, Muscogee: North half of northwest quarter of southwest quarter and north half of south half of northwest quarter of southwest quarter of section 22, township 15 north, range 18 east. 30 acres.
703. William Flanley: West half of southwest quarter and southeast quarter of southwest quarter of section 4, township 17 north, range 15 east. 120 acres.
704. Mary McKellop, Red Bird: Southeast quarter of southeast quarter of section 16, township 16 north, range 16 east. 40 acres.
705. Dora Smith, Wagoner: North half of northeast quarter of section 20, township 17 north, range 18 east. 80 acres.
706. Thomas Williams, Eufaula: West half of southeast quarter of section 29, township 12 north, range 15 east. 80 acres.
707. Barney Yahola, Arbeka: East half of west half of northwest quarter, northeast quarter of northwest quarter, and lot 1 of section 12, township 11 north, range 7 east. 120.85 acres.
708. Ella Berry, Muscogee: East half and northwest quarter of southwest quarter of section 15, township 14 north, range 17 east. 120 acres.
709. Elijah Canard, Okemah: East half of southeast quarter and northwest quarter of southeast quarter of section 31, township 12 north, range 8 east. 120 acres.
710. Mont Carolina, Wetumka: West half of southeast quarter of section 2, township 9 north, range 9 east. 80 acres.
711. Joseph Grayson, Brush Hill: Northwest quarter of southeast quarter of section 31, township 13 north, range 16 east. 40 acres.

712. Irene Mingo, Wagoner: East half of northeast quarter of section 15, township 17 north, range 17 east. 80 acres.

713. Rachel Steadham, Lee: West half and northeast quarter of northeast quarter of section 14, township 15 north, range 14 east. 120 acres.

714. Robert D. Atkins, Red Fork: Southeast quarter of southwest quarter; lot 4, less .14 acre, right of way St. L. & S. F. R. R., and lot 9 of section 11, township 19 north, range 12 east. 74.72 acres.

715. Alex Barnette, Lenna: North half of southeast quarter of section 35, township 13 north, range 15 east. 80 acres.

716. Sam Brown, Braggs: East half of northeast quarter and southwest quarter of northeast quarter of section 7, township 18 north, range 18 east. 120 acres.

717. Walter Posey, Wagoner: North half of northeast quarter of section 8, township 17 north, range 18 east. 80 acres.

718. Dave Green, Checotah: Southwest quarter of southwest quarter of section 35, township 12 north, range 17 east. 40 acres.

719. Theodore E. Stidham, Muscogee: South half of northwest quarter and south 34 acres or lot 4, section 5, township 12 north, range 16 east. 114 acres.

[Listed for sale February 1, 1904. Bids will be opened April 1, 1904.]

720. John Grayson: South half of northwest quarter of section 22, township 11 north, range 13 east. 80 acres.

721. Alex Sango: West half of southeast quarter and southeast quarter of southeast quarter of section 18, township 14 north, range 18 east. 120 acres.

722. Louis Fulsom: Lot 4 of section 7, township 13 north, range 16 east. 38.06 acres.

723. Louise Clinton: Beginning at a point 690 feet south of the southeast corner of the southwest quarter of section 22, township 19 north, range 12 east, and running thence east 330 feet, thence south 330 feet, thence west 330 feet, thence north 330 feet to the place of beginning. 2½ acres.

724. Van Grayson: North half of the southeast quarter of section 8, township 12 north, range 17 east. 80 acres.

725. Josephine Berryhill: Southwest quarter of northwest quarter of section 34, township 12 north, range 15 east. 40 acres.

726. Albert Doyle: South half of the northwest quarter of section 20, township 13 north, range 14 east. 80 acres.

727. Louisa Jones: East half of northeast quarter and southwest quarter of northeast quarter of section 17, township 17 north, range 16 east. 120 acres.

728. John Lewis: West half of northeast quarter, less 1-100 acre occupied as right of way Kan. & Ark. Val. R. R., and southeast quarter of northeast quarter of section 26, township 17 north, range 18 east. 119.99 acres.

729. Lorena Johnson: Lot 2 of section 6, township 10 north, range 17 east. 40.04 acres.

730. Lee McNevins: East half of southeast quarter and northwest quarter of southeast quarter of section 17, township 8 north, range 9 east. 120 acres.

731. Peggie Simmons: West half of northeast quarter of section 36, township 13 north, range 8 east. 80 acres.

732. Susie Barnette: North half of southeast quarter of section 34, township 13 north, range 15 east. 80 acres.

733. Willie Coffee: North half of northwest quarter of section 24, township 13 north, range 17 east. 80 acres.

734. Rachel Bruner Collins: West half of northeast quarter of section 18, township 19 north, range 18 east. 80 acres.

735. Polly Barnett Derrisaw: North half of southwest quarter of section 35, township 13 north, range 15 east. 80 acres.

736. Rhoda Davis: West half of northwest quarter of section 15, township 12 north, range 15 east. 80 acres.

737. Mary Jones: East half of southeast quarter of section 4, township 13 north, range 17 east. 80 acres.

738. Dick Jefferson: Southwest quarter of northeast quarter and northwest quarter of southeast quarter of section 33, township 18 north, range 12 east. 80 acres.

739. Dick Jefferson: Southwest quarter of southwest quarter of section 22, township 15 north, range 14 east. 40 acres.

740. Samuel King: East half of northwest quarter and southwest quarter of northwest quarter of section 33, township 16 north, range 12 east. 120 acres.

741. John McIntosh: West half and northeast quarter of northwest quarter of section 35, township 14 north, range 16 east. 120 acres.

742. Annie B. Orcutt: South half of northwest quarter and south half of northwest quarter of northwest quarter of section 33, township 19 north, range 13 east. 100 acres.

743. Lilly Roberts: South half of southeast quarter of section 33, township 19 north, range 15 east. 80 acres.

744. Monday Rentie: West half of southeast quarter and southeast quarter of southeast quarter of section 1, township 14 north, range 13 east. 120 acres.

[Listed for sale February 8, 1904. Bids will be opened April 8, 1904.]

745. Amanda Pouncil: Southwest quarter of southeast quarter of section 32, township 15 north, range 16 east. 40 acres.

746. Lucy Barnett: West half of northwest quarter of section 35, township 9 north, range 13 east. 80 acres.

747. Jackson Smith: East half of northwest quarter and northwest quarter of northwest quarter, less 4.33 acres right of way St. L., O. & S. R. R., of section 29, township 13 north, range 13 east. 115.67 acres.

748. Lizzie Abrams: Southwest quarter of northwest quarter and lot 4 of section 4, township 18 north, range 15 east. 80.39 acres.

749. Bob Roberson: West half of northwest quarter of section 24, township 15 north, range 16 east. 80 acres.

750. Sarah Bruner: Southeast quarter of southwest quarter and lot 4 of section 31, township 15 north, range 7 east. 81.37 acres.

751. Rena Bruner: South half of south half of northeast quarter of southwest quarter of section 31, township 15 north, range 7 east. 10 acres.

752. Georgia Brown: Lots 3 and 4 of section 19, township 15 north, range 11 east. 70.08 acres.

753. Georgia Brown: Northwest quarter of southwest quarter of southwest quarter, less .23 acre, right of way St. L. & S. F. R. R., of section 11, township 19 north, range 12 east. 9.77 acres.

754. John Dean: East half of southwest quarter and southwest quarter of southwest quarter of section 22, township 14 north, range 17 east. 120 acres.

755. Reuben J. Miller: East half of northeast quarter, less 5.52 acres, right of way M., K. & T. R. R., of section 22, township 9 north, range 16 east. 74.48 acres.

756. Rufus Roberts: West half of northeast quarter of section 36, township 19 north, range 14 east. 80 acres.

757. Jamison Wallace: Southwest quarter and northeast quarter of northeast quarter of section 9, township 17 north, range 14 east. 80 acres.

958. Miley Holmes: East half of northwest quarter of section 32, township 11 north, range 11 east. 80 acres.

759. Haney Benson: South half of east half of southeast quarter of section 26, township 11 north, range 12 east. 40 acres.

760. Ludie Drew: East half of southwest quarter and northwest quarter of southwest quarter of section 3, township 13 north, range 13 east. 120 acres.

761. Louisa Grant: Southwest quarter of northeast quarter and lot 2 of section 5, township 18 north, range 15 east. 80.19 acres.

762. Andrew Holmes: South half of southeast quarter and southeast quarter of southwest quarter of section 13, township 11 north, range 11 east. 120 acres.

763. Eliza Hawkins: Southwest quarter of northwest quarter of section 2, township 14 north, range 17 east. 40 acres.

764. Wiley Sooke: Lots 5, 6, and 9 of section 6, township 19 north, range 18 east. 77.01 acres.

765. Patsy King: West half of northeast quarter of section 8, township 13 north, range 17 east. 80 acres.

766. Fannie Marshall: South half of northwest quarter of section 5, township 18 north, range 16 east. 80 acres.

767. Frank Blackburn: West half of southwest quarter and northeast quarter of southwest quarter of section 12, township 19 north, range 16 east. 120 acres.

768. David Fulsom: Southwest quarter of northwest quarter of section 26, township 19 north, range 12 east. 40 acres.

769. Minnie Johnson: South half of southeast quarter of section 27, township 17 north, range 17 east. 80 acres.

[Listed for sale February 15, 1904. Bids will be opened April 15, 1904.]

770. Hannah Paine: South half of northeast quarter of section 6, township 13 north, range 17 east. 80 acres.

771. Robert J. Ricketts: Lots 1 and 2 of section 31, township 18 north, range 13 east. 82.11 acres.

772. Inez P. Durant: Southeast quarter of northeast quarter and north half of northeast quarter of section 16, township 14 north, range 18 east, less 7.27 acres occupied as right of way by M., K. & T. Ry. Co. 112.73 acres.

773. Otho Durant: West half of northwest quarter of section 21, township 14 north, range 18 east, less 1.38 acres occupied as right of way by M., K. & T. Ry. Co. 78.62 acres.

774. Thomas J. Durant: West half of southeast quarter and southeast quarter of southeast quarter of section 16, township 14 north, range 18 east. 120 acres.

775. Millie Minter: East half of east half of northwest quarter and east half of west half of east half of northwest quarter of section 15, township 14 north, range 18 east. 60 acres.

776. Caesar James: South half of northeast quarter and west half of northwest quarter of northeast quarter of section 31, township 14 north, range 9 east. 100 acres.

777. Flora Hill: East half of southeast quarter of section 7, township 12 north, range 18 east. 80 acres.

778. Dorcas Serrell: Southeast quarter of southwest quarter of section 33, township 15 north, range 14 east. 40 acres.

779. Maria Smith: Northwest quarter of southwest quarter of section 36, township 15 north, range 14 east. 40 acres.

780. Rose Stephens: Northwest quarter of southeast quarter and west half of northeast quarter of southeast quarter of section 3, township 19 north, range 15 east. 60 acres.

781. Sissy Derrisaw Barnette: Southeast quarter of northwest quarter and northeast quarter of southwest quarter of section 31, township 11 north, range 15 east. 80 acres.

782. William Brown: Southeast quarter of northwest quarter and west half of northwest quarter of section 10, township 12 north, range 16 east. 120 acres.

783. Susan Canard: Southeast quarter of northwest quarter and lots 1 and 2 of section 19, township 12 north, range 12 east. 120.03 acres.

784. John Deere: West half of southwest quarter and north east quarter of southwest quarter of section 20, township 6 north, range 9 east. 120 acres.

785. Unah Daniel: South half of southeast quarter of section 25, township 13 north, range 13 east. 80 acres.

786. Florence Evans: South half of northeast quarter of section 4, township 13 north, range 18 east. 80 acres.

787. Rap Hawkins: Southwest quarter of northeast quarter, lot 1, and south 34 acres of lot 2, section 6, township 12 north, range 17 east. 120.34 acres.

788. Sindy Long: South half of northwest quarter of section 23, township 8 north, range 9 east. 80 acres.

789. Charles Perryman: South half of southeast quarter of southwest quarter and south half of north half of southeast quarter of southwest quarter, and south half of lot 4 and south half of north half of lot 4, all in section 19, township 14 north, range 18 east. 57.74 acres.

790. Vina Marshall Thomas: North half of southeast quarter of section 16, township 7 north, range 10 east. 80 acres.

791. Ben J. Wisener: West half of northeast quarter of section 25, township 14 north, range 13 east. 80 acres.

792. Sarah Barnett: West half of west half of northwest quarter, less 12.19 acres occupied as right of way by St. L. and S. F. R. R., section 14, township 19 north, range 12 east. 27.81 acres.

793. Sarah Barnett: South half of northwest quarter of southwest quarter of section 35, township 19 north, range 12 east. 20 acres.

794. Polly Cooks: North half of northwest quarter of section 21, township 19 north, range 15 east. 80 acres.

All sealed bids must be accompanied by and contain a duly certified check on some solvent bank, payable to the order of the Commissioner of Indian Affairs for 20 per cent of the amount of the bid.

All bids should be inclosed in a sealed envelope, upon which must be written "Bid for Creek land," and the date the bid will be opened must be indorsed on the envelope. The envelope must not contain a description of the land.

Further information and a copy of the rules and regulations governing the leasing and sale of Creek lands may be had upon application to

J. BLAIR SCHOENFELT,

United States Indian Agent, Union Agency, Muscogee, Ind. T.

